



# California Regulatory Notice Register

REGISTER 2006, NO. 15-Z

PUBLISHED WEEKLY BY THE OFFICE OF ADMINISTRATIVE LAW

APRIL 14, 2006

## PROPOSED ACTION ON REGULATIONS

### TITLE 04. CALIFORNIA EDUCATIONAL FACILITIES AUTHORITY

*Qualified Scholarship Funding Corporations — Notice File No. Z06-0404-02* ..... 449

### TITLE 10. DEPARTMENT OF INSURANCE

*Earthquake Policies, Coverage Types and Limits — Notice File No. Z06-0404-06* ..... 451

### TITLE 14. DEPARTMENT OF CONSERVATION

#### DIVISION OF OIL, GAS, AND GEOTHERMAL RESOURCES

*Well Plugging and Abandonment Regulations — Notice File No. Z06-0403-01* ..... 454

### TITLE 16. BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS

*Vocational Nursing & Psychiatric Technician Regulations — Notice File No. Z06-0403-02* ..... 457

### TITLE 16. BUREAU OF AUTOMOTIVE REPAIR

*Lamp and Brake Stations and Adjusters — Notice File No. Z06-0404-01* ..... 464

### TITLE 16. DENTAL BOARD OF CALIFORNIA

*Delegation to Board's Executive Officer — Notice File No. Z06-0404-04* ..... 467

### TITLE 16. DENTAL BOARD OF CALIFORNIA

*Oral Conscious Sedation — Notice File No. Z06-0404-03* ..... 469

### TITLE 17. CALIFORNIA INSTITUTE FOR REGENERATIVE MEDICINE

*Working Group Conflict of Interest Policies — Notice File No. Z06-0404-05* ..... 471

## GENERAL PUBLIC INTEREST

### OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

*Health Criteria for School Site Risk Assessment* ..... 473

### PUBLIC EMPLOYEES' RETIREMENT SYSTEM

*Decision on Petition for Adoption of Regulation* ..... 474

(Continued on next page)

*Time-  
Dated  
Material*

SUMMARY OF REGULATORY ACTIONS

Regulations filed with the Secretary of State ..... 475

Sections Filed, November 02, 2005 to April 05, 2006 ..... 477

The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

CALIFORNIA REGULATORY NOTICE REGISTER (USPS 002-931), (ISSN 1041-2654) is published weekly by the Office of Administrative Law, 300 Capitol Mall, Suite 1250, Sacramento, CA 95814-4339. The Register is printed by Thomson West and is offered by subscription for \$202.00 (annual price). To order or make changes to current subscriptions, please call (800) 888-3600. "Periodicals Postage Paid in Saint Paul, MN." **POSTMASTER:** Send address changes to the: CALIFORNIA REGULATORY NOTICE REGISTER, Thomson-West/Barclays, P.O. Box 2006, San Francisco, CA 94126. The Register can also be accessed at <http://www.oal.ca.gov>.

**PROPOSED ACTION ON  
REGULATIONS**

*Information contained in this document is published as received from agencies and is not edited by Thomson West.*

**TITLE 4. CALIFORNIA EDUCATIONAL  
FACILITIES AUTHORITY**

**NOTICE OF PROPOSED RULEMAKING**

NOTICE IS HEREBY GIVEN that the California Educational Facilities Authority (the "Authority"), organized and operating pursuant to Sections 94100 through 94216.11, inclusive, of the California Education Code (the "Act"), proposes to adopt the proposed Regulations described below relating to Ch 318, Statutes of 2005 (Assembly Bill 961). With the passage of this legislation, the Authority is authorized to approve not-for-profit corporations before an allocation of a portion of the state ceiling through the California Debt Limit Allocation Committee (CDLAC) to issue qualified scholarship funding bonds for its Student Loan Program can be awarded.

The Authority proposes to adopt Section 9071 through Section 9074 of Chapter 3 of Division 12 of Title 4 of the California Code of Regulations (the "Regulations"). The Regulations implement the Authority's responsibilities established pursuant to Section 94103 as added to the Act.

**PUBLIC HEARING**

The Authority has not scheduled a public hearing on this proposed action. However, the Board will hold a hearing if it receives a written request for a public hearing from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period.

**WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Authority. The written comment period will close at 5:00 p.m. on May 30th, 2006. The Authority will only consider comments received at the Authority offices on or before that time.

Written comments, inquiries and any questions regarding the substance of the Regulations must be submitted or directed to:

Evelyn Gorman, Treasury Program Manager  
California Educational Facilities Authority  
915 Capitol Mall, Room 590  
Sacramento, California 95814  
Telephone: (916) 653-3390  
Fax: (916) 653-2179  
**Email:** [egorman@treasurer.ca.gov](mailto:egorman@treasurer.ca.gov)

**AUTHORITY AND REFERENCE**

The Authority has the implied power to repeal and adopt the following Regulations to implement, interpret, and make specific Government Code Section 94103 based on the following express statutory powers:

1. Section 94140(a) of the Act, which provides for the Authority to "adopt bylaws for the regulation of its affairs and the conduct of its business."
2. Section 94103(a)(2)(b) of the Act provides that "any entity, as of January 1, 2006, that is not qualified to be awarded an allocation of the state's annual private activity volume cap to issue qualified scholarship funding bonds, as defined in subsection (d) of Section 150 of Title 26 of the United States Code as it exists on January 1, 2006, shall obtain approval from the authority to operate as a qualified scholarship funding corporation within the meaning of subsection (d) of Section 150 of Title 26 of the United States Code as it exists on January 1, 2006."

**INFORMATIVE DIGEST/POLICY STATEMENT  
OVERVIEW**

Pursuant to Section 94103 of the Act, the Authority is authorized to approve new qualified scholarship funding corporations before a portion of an allocation of the state ceiling through the California Debt Limit Allocation Committee (CDLAC) to issue qualified scholarship funding bonds for its Student Loan Program can be awarded. Sections 9071-9074 of these Regulations establish a process for determining an entity's eligibility as described above.

**DISCLOSURES REGARDING THE  
PROPOSED ACTION**

*The Board has made the following initial determinations:*

Mandate on local agencies and school districts: None.  
Cost or savings to any state agency: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code Sections 17500 through 17630: None.

Other nondiscretionary costs or savings imposed on local agencies: None.

Cost or savings in federal funding to the state: None.

Significant, statewide adverse economic impact directly affecting business including the ability of California businesses to compete with businesses in other states: None.

Cost impacts on a representative private person or businesses: The Authority is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Adoption of these Regulations will not create or eliminate jobs within California; create new businesses or eliminate existing businesses within California; or affect the expansion of businesses currently doing business within California.

Significant effect on housing costs: None.

#### *Small Business Determination*

The Authority has determined that the proposed Regulations do not affect small businesses since they do not impose any new requirement on small businesses. The proposed Regulations are intended only to establish parameters when the Authority determines, as required by statute, whether an entity is eligible to apply to CDLAC for an allocation of the state's volume cap. Whether an entity wishes to apply for an allocation of the state's volume cap is voluntary on the part of the entity.

### CONSIDERATION OF ALTERNATIVES

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Authority must determine that no reasonable alternative that the Authority considered or that has otherwise been identified and brought to the attention of the Authority would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Authority invites interested persons to present statements or arguments with respect to alternatives to the proposed Regulations during the written comment period.

### CONTACT PERSON

Written comments, inquiries and any questions regarding the proposed administrative action must be submitted or directed to:

Evelyn Gorman, Treasury Program Manager  
California Educational Facilities Authority  
915 Capitol Mall, Room 590  
Sacramento, California 95814  
Telephone: (916) 653-3390  
Fax: (916) 653-2179  
Email: [egorman@treasurer.ca.gov](mailto:egorman@treasurer.ca.gov)

The following person is designated as a backup contact person for inquiries regarding the proposed administrative action:

Greg Rogers, Deputy Executive Director  
California Educational Facilities Authority  
915 Capitol Mall, Suite 590  
Sacramento, California 95814  
Telephone: (916) 653-2408

Please direct requests for copies of the proposed text of the Regulations, the Initial Statement of Reasons, or other information to Ms. Gorman at the above address.

### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Authority has established a rulemaking file for this regulatory action, which contains those items required by law. The file is available for inspection at the Authority's office at 915 Capitol Mall during normal business hours. As of the date this Notice is published in the Notice Register, the rulemaking file consists of this Notice, the Initial Statement of Reasons and the proposed text of the Regulations. Copies of these items are available upon request from the Agency Contact Person designated in this Notice. This address will also be the location for inspection of the rulemaking file and any other public records, including reports, documentation and other materials related to this proposed regulatory action. In addition, the rulemaking file, including the Initial Statement of Reasons and the proposed text, may be viewed on the Authority's website at <http://www.treasurer.ca.gov/cefa>.

### AVAILABILITY OF CHANGED OR MODIFIED TEXT

After the written comment period ends and following a public hearing, if any is requested, the Authority may pursue the regulatory proposal substantially as described in this Notice, without further notice. If the Authority makes modifications that are sufficiently related to the originally proposed text, it will make the modified text (with the changes clearly indicated) available to the public (including through the Authority's website described above) for at least fifteen (15) calendar days before the Authority adopts the proposed Regulations,

as modified. Inquiries about and requests for written copies of any changed or modified Regulations should be addressed to the Agency Contact Person identified in this Notice.

#### AVAILABILITY OF THE FINAL STATEMENT OF REASONS

Once the Authority has prepared a Final Statement of Reasons, a copy will be made available to anyone who requests a copy and will be available on the Authority's website described above. Written requests for copies should be addressed to the Agency Contact Person identified in this Notice.

#### TITLE 10. DEPARTMENT OF INSURANCE

300 Capitol Mall, 17th Floor  
Sacramento, California 95814

RH05049272  
April 14, 2006

#### NOTICE OF PROPOSED ACTION AND NOTICE OF PUBLIC HEARING

#### SUBJECT OF PROPOSED RULEMAKING

Notice is hereby given that the Insurance Commissioner proposes to amend California Code of Regulations, Title 10, Chapter 5, Subchapter 7.7, Section 2697.6, "Earthquake Policies; Coverage Types and Limits."

#### AUTHORITY AND REFERENCE

The Commissioner proposes to amend the regulation under the express authority of California Insurance Code Sections 10087, 10089.5(c), 10089.11, 10089.20 and 10089.26(a)(1). The proposed regulation will implement, interpret and make specific the provisions of California Insurance Code Sections 10089, 10089.11(a), 10089.28(b) and 12921.

#### PUBLIC HEARING

The Commissioner will hold a public hearing to provide all interested persons an opportunity to present statements or arguments, either orally or in writing, with respect to this regulation, as follows:

**Date and time:** Wednesday, May 31, 2006 at 10:00 a.m.

**Location:** 300 Capitol Mall, 6<sup>th</sup> Floor  
Room 635  
Sacramento, California 95814

The hearing will continue on the date noted above until all testimony has been submitted or 4:00 p.m., whichever is earlier.

#### PRESENTATION OF WRITTEN COMMENTS; CONTACT PERSONS

All persons are invited to present oral and/or written comments at the hearing. Written comments not presented at the hearing must be addressed to the following contact person:

Lisbeth Landsman-Smith, Staff Counsel  
California Department of Insurance  
300 Capitol Mall, 17<sup>th</sup> Floor  
Sacramento, CA 95814  
Telephone: (916) 492-3561  
E-mail: landsmanl@insurance.ca.gov

Questions regarding procedure, comments, or the substance of the proposed action should be addressed to the above contact person. If she is unavailable, inquiries may be addressed to the following backup contact person:

Bruce Patton, Senior Staff Counsel  
California Department of Insurance  
300 Capitol Mall, 17<sup>th</sup> Floor  
Sacramento, CA 95814  
Telephone: (916) 492-3560

#### DEADLINE FOR WRITTEN COMMENTS

All written materials must be received by the Insurance Commissioner, addressed to the contact person at her address listed above, no later than 5:00 p.m. on May 31, 2006. Any written materials received after that time will not be considered.

#### COMMENTS TRANSMITTED BY ELECTRONIC COMMUNICATION

The Commissioner will accept written comments transmitted by e-mail provided they are sent to the following e-mail address: landsmanl@insurance.ca.gov. The Commissioner will also accept written comments transmitted by facsimile provided they are directed to the attention of the contact person for this proceeding using the following facsimile number: (916) 324-1883.

**Comments shall be transmitted by one method only**



**and are subject to the deadline set forth above for written comments. Comments sent to other e-mail addresses or other facsimile numbers will not be accepted.**

#### ACCESS TO HEARING ROOMS

The facilities to be used for the public hearing are accessible to persons with mobility impairments. Person with sight or hearing impairments are requested to notify the contact person for this hearing in order to make special arrangements, if necessary.

#### ADVOCACY OR WITNESS FEES

Persons or groups representing the interests of consumers may be entitled to reasonable advocacy fees, witness fees, and other reasonable expenses, in accordance with Insurance Code Section 10089.11(c) and the provisions of Subchapter 4.9, Title 10, California Code of Regulations, in connection with their participation in this matter. Persons interested in inquiring about the appropriate procedures should contact the Office of the Public Advisor at the following address:

California Department of Insurance  
Office of the Public Advisor  
300 Capitol Mall, 17<sup>th</sup> Floor  
Sacramento, California 95814  
(916) 492-3559

A copy of any written materials submitted to the Public Advisor regarding this rulemaking shall also be submitted to the contact person for this hearing. Please contact the Office of the Public Advisor for further information.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The California Earthquake Authority (“CEA”) was established by Legislative enactment of Chapter 8.6 of Part 1 of Division 2 of the Insurance Code (Insurance Code sections 10089.5 et seq.). Certain aspects of the CEA’s operations are identified in Insurance Code Section 10089.11, subdivision (b), requiring the promulgation of regulations to make specific the general provisions specified in those sections. That section specifically provides that the Insurance Commissioner shall promulgate regulations that “define coverage types and limits.”

Pursuant to the foregoing statute, the Commissioner promulgated certain regulations under Title 10, Chapter 5, Subchapter 7.7 [California Earthquake Authority] of the Code of Regulations (CCR). Under existing law, CCR Section 2697.6(d) mandates that the CEA offer to its policyholders, under base-limits coverage, “Limited Building Code Upgrade” insurance coverage in the amount of ten thousand dollars (\$10,000). In addition, CCR Section 2697.6(e) authorizes the CEA to issue optional-limits (or “supplemental-limits”) coverage up to the following amounts for (1) Dwelling Policies as follows:

	Option 1	Option 2	Option 3	Option 4
<b>Coverage C (Contents)</b>	\$25,000	\$50,000	\$75,000	\$100,000
<b>Coverage D (Loss of Use)</b>	\$10,000	\$10,000	\$15,000	\$15,000

(2) for Individual Condominium and Cooperative policies as follows:

	Option 1	Option 2	Option 3	Option 4
<b>Coverage C (Contents)</b>	\$25,000	\$50,000	\$75,000	\$100,000
<b>Coverage D (Loss of Use)</b>	\$10,000	\$10,000	\$15,000	\$15,000

and (3) for Renter’s policies as follows:

	Option 1	Option 2	Option 3	Option 4
<b>Coverage C (Contents)</b>	\$25,000	\$50,000	\$75,000	\$100,000
<b>Coverage D (Loss of Use)</b>	\$10,000	\$10,000	\$15,000	\$15,000

The Department proposes to amend Subsections (d) and (e) of Section 2697.6. The purpose of the proposed amendment is to double the amount that the CEA may offer under its base-limits policy for building-code-upgrade coverage and to increase the flexibility of supplemental-limits coverage options for current and future CEA policyholders.

Under the proposed amendment, Subsection (d) will be changed to allow the CEA to offer an additional \$10,000 base-limits building-code-upgrade coverage. In addition, supplemental-limits coverages available under Subsection (e) will be “unbundled” from the currently existing optional packages so that each coverage may be offered independently of the other. All CEA policyholders will be able to choose to increase their coverage to any of the following amounts: Coverage C (Personal Property) \$25,000, \$50,000, \$75,000, or \$100,000; Coverage D (Loss of Use) \$10,000 or \$15,000. Subsections (a), (b), (c), and (f) will not be changed.

#### COMPARABLE FEDERAL LAW

There are no existing federal regulations or statutes comparable to the proposed regulations.

#### OTHER STATUTORY REQUIREMENTS

There are no other specific statutory requirements applicable to the proposed regulation.

***The Commissioner has made the following initial determinations:***

**Mandates On Local Agencies Or School Districts** — Regulatory action imposed herein will result in no program mandates on local agencies or school districts.

**Fiscal Impact** — The regulation will involve no costs or savings to any State agency, no reimbursable costs to local agencies or school districts under Part 7 (commencing with Section 17500) of Division 4 of the Government Code, no nondiscretionary costs or savings to local agencies, and no costs or savings in federal funding to the State.

**Impact On Housing Costs** — The proposed regulation will have no significant effect on housing costs.

**Economic Impact On Businesses** — The proposed regulation will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states, because it amends existing CEA insurance regulations.

**Cost Impact On Private Persons Or Entities/Businesses** — The Commissioner is aware of only one cost impact that a representative private person or business will incur in reasonable compliance with the proposed action. Insurers participating in the CEA will incur im-

plementation costs. However, these implementation costs will be reimbursed pursuant to Insurance Code Section 10089.28(a).

**Assessment Regarding Effect On Jobs/ Businesses** — Other than the possible creation of additional jobs to handle increased demand for policies, the regulation will not affect the creation or elimination of jobs in the State of California, the creation of new businesses or the elimination of businesses in the State of California, and the expansion of businesses currently doing business within the State of California.

**Impact On Small Business** — The proposed amendment will only affect insurance companies and will therefore not affect small business. Pursuant to Government Code section 11342.610(b)(2), insurers are not small businesses. All reinsurers are necessarily insurers.

#### ALTERNATIVES

The Commissioner must determine that no reasonable alternative considered by the Commissioner or that has otherwise been identified and brought to the attention of the Commissioner would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. The Commissioner invites public comment on alternatives to this regulation.

#### TEXT OF REGULATIONS AND STATEMENT OF REASONS

The Commissioner has prepared an initial statement of reasons that sets forth the reasons for the proposed action. The Commissioner also has available all the information upon which this proposed action is based as well as the express terms of the proposed action. The initial statement of reasons and the text of the proposed amendment are available on the Department’s website and may be accessed as explained below.

The Commissioner will have the entire rulemaking file available for inspection and copying throughout the rulemaking process at its office at the address above, which currently includes this notice, the proposed text of the regulation, the initial statement of reasons, and the analyses contained in two CEA Governing Board meeting agenda items relating to the proposed changes to this regulation. Requests for inspection and copying should be directed to the contact person listed above. The final statement of reasons will be made available for inspection and copying once it has been prepared. Requests for the final statement of reasons should also be directed to the contact person listed above.

## AUTOMATIC MAILING

A copy of this notice, including the informative digest, which contains the general substance of the proposed regulation, will automatically be sent to all persons on the Insurance Commissioner's mailing list.

## WEBSITE POSTINGS

Documents concerning this proceeding are available on the Department's website. To access them, go to <http://www.insurance.ca.gov>. Find, near at the top of the leftmost column, the pull down menu under the heading "Quick Links." Select the "Legal Information" link. On the "Legal Information" page, click on the "Proposed Regulations" link. When the "Search or Browse for Documents for Proposed Regulations" screen appears, you may choose to find the documents either by conducting a search or by browsing for them by name.

To search, enter "RH05049272" (the Department's regulation file number for this regulation) in the search field. Alternatively, search using as your search term the California Insurance Code section number of a code section that the regulations implement (for instance, "10089.11"), or search by keyword ("CEA," for example, or "earthquake"). Then, click on the "Submit" button to display links to the various filing documents.

To browse, click on the "Browse All Regulations" button near the bottom of the screen. A list of the names of regulations for which documents are posted will appear.

## AVAILABILITY OF MODIFIED TEXT OF REGULATION

In response to public comment, the Commissioner may determine that changes to the proposed text are appropriate. If the Commissioner makes changes that are sufficiently related to the original proposed text, copies of the changed text (with the changes clearly indicated) will be made available to the public for at least 15 days before the Commissioner adopts the regulation as modified. Please send requests for copies of any changed text to the Contact Person listed above. Copies of the changed text will automatically be sent to all persons who testified or presented comments at the public hearing or submitted written comments during the comment period, and to anyone who requested information regarding the proposal. The Commissioner will accept written comments concerning the changes only, for a period of at least 15 days after the date on which the changed text is made available.

## TITLE 14. DEPARTMENT OF CONSERVATION DIVISION OF OIL, GAS, AND GEOTHERMAL RESOURCES

### TITLE 14. Natural Resources Division 2 Chapter 4

**NOTICE IS HEREBY GIVEN** that the Department of Conservation (Department), Division of Oil, Gas, and Geothermal Resources (Division), pursuant to the authority in Sections 3013 and 3106 of the Public Resources Code (PRC), proposes to adopt, amend, and repeal existing regulations in Title 14 of the California Code of Regulations (CCR) after considering all comments, objections, or recommendations regarding the proposed action.

### PROPOSED REGULATORY ACTION

The Division proposes to adopt Section 1723(g) and amend Sections 1722(j), 1722.1, 1722.1.1, 1723(a), 1723.1(c) and (d), 1723.5, 1723.7(d)(2) and (f), 1723.8, and repeal Section 1723.4 in Title 14 of the CCR. These sections pertain to the plugging and abandonment of onshore oil and gas wells.

### PUBLIC HEARING

The Division will conduct a public hearing to consider the adoption of amendments to the above regulations. The public hearing will be held at:

Place: Division of Oil, Gas, and Geothermal  
Resources  
Division Conference Room  
801 K Street, 20th Floor  
Sacramento, California

Date: **May 30, 2006**

Time: **8:00 a.m. until 4:00 p.m.**

The Conference Room is wheelchair accessible.

Any interested person may present statements or arguments, orally or in writing, relevant to the proposed regulatory action. Persons making oral comments are encouraged but not required to submit a written copy of their testimony at the hearing.

### WRITTEN COMMENT PERIOD

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Division.



**The written comment period closes at  
5:00 p.m. on May 30, 2006.**

All comments must be received by that time at the Division office listed below. Comments received after 5:00 p.m. on May 30 may be reviewed, but the Division is not required to prepare a response.

Submit comments to:

Marilu Habel  
Department of Conservation  
Division of Oil, Gas, and Geothermal Resources  
MS 20-20  
801 K Street, 20<sup>th</sup> Floor  
Sacramento, CA 95814

**AUTHORITY AND REFERENCE**

The Division proposes to implement, interpret, and make specific Sections 3013, 3106, 3208 and 3228 of the Public Resources Code that gives authority to the State Oil and Gas Supervisor over oil and gas wells, including plugging and abandonment operations. Sections 3013 and 3106 of the PRC provide that the State Oil and Gas Supervisor (Supervisor) shall have all the powers that may be necessary, including the authority to adopt regulations, to supervise the drilling, operation, maintenance, and abandonment of oil, gas and geothermal wells. This supervision includes the permitting, surveillance, and utilization of methods and practices to prevent damage to life, health, property, and natural resources. As the permitting agency for the plugging and abandonment of oil and gas wells in the State, the Division is responsible for ensuring that no damage is done to oil and gas reservoirs and subsurface waters. Division regulations ensure that the plugging and abandonment of wells are done in a manner that safeguards the surface and the subsurface environment in perpetuity. Section 3228 authorizes the supervisor to approve methods for the abandonment of wells.

**INFORMATIVE DIGEST**

Changes to existing regulations and the adoption of new regulations are proposed to bring sections up to date with changes that have occurred since the regulations were adopted. Such changes are a result of inconsistencies in the application of materials for the plugging of wells, and others are a result of changes to pertinent state regulations. However, some changes are proposed that simply clarify and correct regulatory text.

Existing law requires the State Oil and Gas Supervisor to supervise the drilling, operation, maintenance, and abandonment of wells to prevent damage to life,

health, property, and natural resources; damage to underground oil and gas deposits from infiltrating water and other causes; loss of oil, gas or reservoir energy; and damage to underground and surface waters suitable for irrigation or domestic purposes by the infiltration of, or addition of, detrimental substances, by reason of the drilling, operation, maintenance, or abandonment of wells and oil production tanks and facilities.

The Division's well plugging and abandonment regulations are designed to provide a mechanical barrier within wellbores that prevents the migration of gas, oil, and formation fluids to neighboring zones and existing aquifers so that zone integrity may be maintained. These barriers are placed into and through these zones, and within and behind casing to seal off the zones and the wellbore. Cement, mud, and other materials used as barriers must pass material design specifications found in industry standards to ensure long term protection of oil, gas, and water zones. Current regulations allow cement, cement additives, as well as, other materials to be used for well plugging. However, changes to this section of the regulations would specify that the "approval" in the use of these materials and cement additives would lie with the supervisor instead of at the discretion of the district deputies. The district deputies retain their discretion of determining the application of these materials in wells in their districts on a case-by-case basis. This change is necessary to ensure that the use of cementing materials are consistent throughout the state by clarifying the supervisor's authority over decisions pertaining to statewide issues.

Operators are required to obtain written approval from the Supervisor before commencing any work to permanently alter, or plug, and abandon any well. Prior to plugging and abandonment, operators must submit plans detailing the proposed placement of cement plugs and other barriers. Division engineers review the plans to ensure proper zone isolation and protection. The location and depth of the plugs are determined taking into consideration the well's current construction and the subsurface geology. In multiple zones, the plugging of oil and gas wells requires that zones be isolated to maintain zone integrity. The Division allows the use of various methods to provide this separation. Proposed changes to existing regulations would give the Division more flexibility when determining proper plug construction and placement for well plugging and abandonment, especially in cases of multiple zone completions.

In certain cases, current well conditions preclude proper plugging because of debris or junk in the hole. The Division proposes to amend current regulations by clarifying the Supervisor's authority to specify cleanout intervals within a well bore. This is necessary to ensure that well plugs are placed where they are most effective.

Final stages of plugging and abandonment operations require the removal of the casing to at least 5 feet below the surface, the welding of a steel plate on the casing, and burial of the well. This requirement is necessary to ensure that wells are not damaged during surface excavations. In some cases, the five-foot limit is not appropriate because the casing head interferes with construction operations. Therefore, the Division proposes to extend the casing cutting depth to no more than 10 feet so that the wells can be located using metal detectors after the ground surface has been restored and to provide the district deputy with some flexibility in accepting different casing cutting depths when necessary. Language has been included that allows some discretion in the surface casing cut-off depth up to 10 feet when circumstances, such as excavation or grading operations, require it. Flexibility is needed to determine an appropriate casing cut-off depth greater than 10 feet. The casing cut-off depth needs to be shallow enough to be able to detect the casing should the well need to be reabandoned in the future, and deep enough to not interfere with proposed building developments. Therefore, the Division proposes to include language in current regulation to allow for this flexibility. Also, the steel plate on the casing stub would be required to have permanent well identification information. This is especially necessary when future excavation accidentally uncovers a plugged and abandoned well.

The Division proposes to adopt a new regulation to include a section specific to the plugging of wells where a diagnostic instrument containing radioactive material has been lost inside a well. This section makes current requirements found in the Department of Health Services (DHS) regulations applicable to oil and gas operators. This is necessary to ensure that proper procedures have been undertaken by the well operator to seal the well and identify it as a radioactive hazard. Current DHS regulations apply only to the tool company and do not compel well operators, who are responsible for the well, to comply.

In addition, a change in the citation referencing appropriate DHS regulations is proposed because the new citation more accurately covers the safety requirements for lost radioactive tools. Section 30350.3 of the CCR applies directly to procedures required when a radioactive tool is lost in a well.

Finally, proposed changes to existing regulation clarify who is responsible for filing a bond prior to commencing work on a well. Division regulations require that a bond be filed prior to the transfer of ownership of a well. However, ownership of a well may be held by many entities. Proposed regulation would make clear that the person responsible for filing the bond is the person who holds the right to operate the well.

## DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: *None*

Cost or savings to any state agency: *None*

Cost to any local agency or school district that must be reimbursed in accordance with Government Code section 17561: *None*

Other nondiscretionary cost or savings imposed upon local agencies: *None*

Cost or savings in federal funding to the state: *None*

Cost impact on private persons or directly affected businesses: The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. *None*

Effect on small business: *None*

Significant effect on housing costs: *None*

Significant, statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states: *None*

The adoption of the proposed regulations and proposed amendments to the regulations will neither create nor eliminate jobs in the State of California, nor result in the elimination of existing businesses or create or expand businesses in the State of California.

The adoption of the proposed regulations and proposed amendments to the regulations will not duplicate nor conflict with any federal regulations contained in the Code of Federal Regulations.

## SMALL BUSINESS IMPACT STATEMENT

The proposed regulations have no adverse impact on small business. Petroleum and natural gas producers are not considered small businesses per the provisions of Section 11342.610(b)(9) of the Government Code. All of the 10 sections amended, repealed or adopted, specifically impact petroleum and natural gas producers. Government Code Section 11342.610(b) "Small business" does not include the following professional and business activities: (9) A petroleum producer, a natural gas producer, a refiner, or a pipeline.

## CONSIDERATION OF ALTERNATIVES

In accordance with Government Code section 11346.5(a)(13), the Division must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Division invites interested persons to present statements or arguments with respect to the proposed regulations or alternatives during the written comment period or at the scheduled public hearing.

#### CONTACT PERSON

Inquiries concerning the substance of the proposed action may be directed to:

Marilu Habel or Mike Stettner (backup contact)  
Division of Oil, Gas, and Geothermal Resources  
MS 20-20  
801 K Street, 20<sup>th</sup> Floor  
Sacramento, CA 95814-3530  
Telephone (916) 445-9686  
FAX (916) 323-0424

#### REQUESTS FOR DOCUMENTS AND ADDITIONAL INFORMATION

Requests for copies of the proposed text of the regulations, the initial statement of reasons, and questions concerning the proposed adoption of these regulations should be directed to:

Marilu Habel  
Department of Conservation  
Division of Oil, Gas, and Geothermal Resources  
MS 20-20  
801 K Street, 20<sup>th</sup> Floor  
Sacramento, CA 95814-3530  
Phone: (916) 445-9686  
FAX: (916) 323-0424

#### AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS

The Division will have the entire rulemaking file available for inspection and copying throughout the rulemaking process on its website ([www.conservation.ca.gov](http://www.conservation.ca.gov)) and at its office at the above address. As of the date this notice is published in the Notice Register, the rulemaking file consists of this notice, the proposed text of the regulations, and the initial statement of reasons. A copy of the Final Statement of Reasons will be available once it has been prepared. Copies may be obtained by contacting the Division at the address or phone number listed above.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

Following the public review period and the hearing, the Division may adopt the proposed regulations substantially as described in this notice. If modifications are made which are sufficiently related to the original proposed text, the modified text will be made available to the public for at least 15 days prior to the date on which the Division adopts the regulations. Requests for the modified regulations, if any, can be made by contacting the Division at the address and phone number listed above. The Division will accept written comments on the modified text for 15 days after the date on which they are made available.

#### FINAL STATEMENT OF REASONS

Following the public review period, the Division will have the Final Statement of Reasons available for the public on its website ([www.conservation.ca.gov](http://www.conservation.ca.gov)) and at its office at the above address. Copies may be obtained by contacting the Division at the address or phone number listed above.

### **TITLE 16. BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**

#### **Division 25, Chapters 1 and 2**

NOTICE IS HEREBY GIVEN that the Board of Vocational Nursing and Psychiatric Technicians (Board) is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at 2535 Capitol Oaks Drive, Third Floor, Board of Engineers Conference Room, Sacramento, CA 95833 at 1:00 P.M., on Wednesday, May 31, 2006. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on May 29, 2006 or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal



or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 2854 and 4504 of the Business and Professions Code, and to implement, interpret or make specific Sections 2859, 2860.5, 2873, 2873.5, 2880, 2881, 2882, 2883, 2892.5, 4502, 4502.2, 4511, 4517, 4530, 4531, and 4532 of said Code, the Board of Vocational Nursing and Psychiatric Technicians is considering changes to Division 25, Chapters 1 and 2 of Title 16 of the California Code of Regulations as follows:

## INFORMATIVE DIGEST

The Board proposes to amend the Vocational Nursing Rules and Regulations as follows; Article 4 commencing with section 2516, Article 5 commencing with section 2526, Article 7 commencing with section 2540.3, Article 8 commencing with section 2542, Article 9 commencing with section 2544, and Article 10 commencing with section 2547. Amendments to the Psychiatric Technicians Rules and Regulations include, Article 4 commencing with section 2575, Article 5 commencing with section 2581, Article 7 commencing with section 2592.3, and Article 8 commencing with section 2593.

### Vocational Nursing Rules and Regulations

I. Business and Professions Code section 2873 states that persons who can provide evidence of education and/or experience that is equivalent to that of graduates of accredited vocational nursing programs can be licensed as vocational nurses if they can successfully pass the licensure examination. Business and Professions Code 2854 authorizes the Board to adopt, amend, or repeal such rules and regulations as may be reasonably necessary to carry into effect the provisions outlined in Business and Professions Code Division 2, Chapter 6.5 which includes section 2873.

**Section 2516** of the Vocational Nursing Rules and Regulations specifies the mechanisms by which persons who desire to become vocational nurses can qualify to take the licensure examination. Sections 2516(b) and 2516(c) describe the requirements necessary for a candidate who has not graduated from an accredited vocational nursing program to qualify for the licensure examination. Such qualification is based on the candidate's education and/or work experience that is determined by the Board to be equivalent to the education and clinical experience gained as a student in a vocational

nursing program. These sections are often referred to as the "equivalency regulations."

The Board's proposed amendments to section 2516(b) clarify the types and amounts of clinical work experience that must be verified to meet the equivalency requirements,

The Board is proposing to delete section 2516(c). This section authorized schools to offer abbreviated vocational nursing programs for students who possessed work experience that complied with equivalency criteria, but who needed additional theory courses. These programs were referred to as "equivalency programs". No equivalency programs are currently approved by the Board. The last such program closed in 2000.

II. Business and Professions Code section 2873.5 describes the criteria under which a person who has served on active duty in the military medical corps can qualify for licensure as a vocational nurse. Business and Professions Code 2854 authorizes the Board to adopt, amend, or repeal such rules and regulations as may be reasonably necessary to carry into effect the provisions outlined in Business and Professions Code Division 2, Chapter 6.5 which includes section 2873.5.

The Board is proposing to add **section 2516.5** to the regulations to clarify the documentation required to establish proof of active duty service in the medical corps of any of the armed services.

III. Business and Professions Code section 2859 defines the practice of vocational nursing. Business and Professions Code 2854 authorizes the Board to adopt, amend, or repeal such rules and regulations as may be reasonably necessary to carry into effect the provisions outlined in Business and Professions Code Division 2, Chapter 6.5 which includes sections 2859.

The Board is proposing to add **section 2518.7** to the regulations to define "private duty nursing". The Board receives many scope of practice questions from licensees and potential employers asking the conditions under which a licensed vocational nurse (LVN) can perform private duty nursing. This section answers those questions.

IV. Business and Professions Code sections 2880, 2881 and 2883 refer to and/or describe accreditation requirements for vocational nursing programs. Business and Professions Code 2854 authorizes the Board to adopt, amend, or repeal such rules and regulations as may be reasonably necessary to carry into effect the provisions outlined in Business and Professions Code

Division 2, Chapter 6.5 which includes sections 2880, 2881 and 2883.

**Section 2526** of the Vocational Nursing Rules and Regulations describes the procedure for accreditation of vocational nursing programs. The Board's proposed amendments to section 2526 change the requirement for schools to provide documentation of "evidence of program need" to "evidence of program resources" and add a requirement that programs must provide a list of resources for provision of counseling and tutoring services for students.

- V. Business and Professions Code sections 2880, 2881, and 2883 describes the Board's responsibilities related to inspection of vocational nursing programs and the process to be followed if the program is not maintaining the standard required by the Board. Business and Professions Code 2854 authorizes the Board to adopt, amend, or repeal such rules and regulations as may be reasonably necessary to carry into effect the provisions outlined in Business and Professions Code Division 2, Chapter 6.5 which includes sections 2880, 2881, and 2883.

**Section 2526.1** of the Vocational Nursing Rules and Regulations describes the process of placing programs that are not maintaining regulatory standards on "Provisional Accreditation". The term "Provisional Accreditation" is intended to designate to all concerned parties that a program is not in complete compliance with the regulations and has been given time by the Board to correct its deficiencies. Based on the Board's experience with these regulations since July 2000, amendments are proposed to clarify the language of the regulations and, in some cases, change the language to allow the Board more flexibility in determining provisional accreditation time periods. The flexibility will allow the Board to invoke provisional accreditation for a reasonable time period during which a program should be able to correct deficiencies rather than the current method of invoking provisional accreditation for the same time period for all programs.

- VI. Business and Professions Code sections 2881 and 2883 describe accreditation requirements for vocational nursing programs. Business and Professions Code 2854 authorizes the Board to adopt, amend, or repeal such rules and regulations as may be reasonably necessary to

carry into effect the provisions outlined in Business and Professions Code Division 2, Chapter 6.5 which includes sections 2881 and 2883.

**Section 2530** of the Vocational Nursing Rules and Regulations specifies "General Requirements" that each program must meet in order to attain and maintain accreditation.

- Current regulations require that students in vocational nursing programs must have completed a general education course of study through the 12<sup>th</sup> grade or its equivalent. Proposed language designates the organizations that are approved to determine equivalency.
- Current regulations mandate that vocational nursing programs must maintain a licensure examination pass rate for their graduates that is within ten percentage points of the state's average yearly pass rate. The proposed regulations delete the current time frame during which new programs have to attain this pass rate, thus allowing them the same review period as existing programs in which to attain/maintain the mandated pass rate.

- VII. Business and Professions Code section 2882 describes requirements for the course of instruction in vocational nursing programs. Business and Professions Code 2854 authorizes the Board to adopt, amend, or repeal such rules and regulations as may be reasonably necessary to carry into effect the provisions outlined in Business and Professions Code Division 2, Chapter 6.5 which includes section 2882.

**Section 2533** of the Vocational Nursing Rules and Regulations specifies the curriculum content that is required in vocational nursing programs. The proposed amendments add required content to the vocational nursing curriculum. In addition, the proposed amendments change the requirements for faculty who teach non-nursing courses such as nutrition and psychology.

- VIII. Business and Professions Code section 2892.5 establishes Continuing Education Requirements for licensed vocational nurses. Business and Professions Code 2854 authorizes the Board to adopt, amend, or repeal such rules and regulations as may be reasonably necessary to carry into effect the provisions outlined in Business and Professions Code Division 2, Chapter 6.5 which includes sections 2892.5.



**Sections 2540.3 and 2540.4** of the Vocational Nursing Rules and Regulations specify the continuing education requirements for licensees and describe the requirements for providers of continuing education courses. Currently, the regulations require the Board to review documentation regarding every class that a provider wishes to offer. The proposed amendments change the regulations to allow the Board to review only the first course offered during a provider's two-year approval period. In addition, the proposed amendments clarify the provider's responsibilities regarding documentation, advertising, and instructor qualifications.

- IX. Business and Professions Code sections 2860.5 describes permissible practices for licensed vocational nurses related to hypodermic injections, blood withdrawal and intravenous therapy. Business and Professions Code 2854 authorizes the Board to adopt, amend, or repeal such rules and regulations as may be reasonably necessary to carry into effect the provisions outlined in Business and Professions Code Division 2, Chapter 6.5 which includes sections 2860.5. The regulations include three different types of certification for LVNs. The certifications are for Intravenous Therapy, Blood Withdrawal and a combination certification in both Intravenous Therapy/Blood Withdrawal.

**Sections 2542, 2542.1, 2542.2, 2542.3, 2542.4 and 2542.5** of the Vocational Nursing Rules and Regulations specify the conditions under which a licensed vocational nurse can perform intravenous therapy and specify the requirements for certification courses in Intravenous Therapy.

The proposed amendments to sections 2542 and 2542.1 fulfill the requirement of the July 14, 2005, court order issued by the Sacramento Superior Court. That order mandated that the Board withdraw the current regulations that were approved by the Office of Administrative Law in January 2003 and revert to the regulations that were in place immediately preceding that approval.

The proposed amendments to sections 2542.2, 2542.3, 2542.4, and 2542.5 clarify the responsibilities of Intravenous Therapy Certification Course providers regarding course content, documentation, advertising, and instructor qualifications.

**Sections 2544, 2544.1, 2544.2, 2544.3 and 2544.4** of the Vocational Nursing Rules and Regulations specify the conditions under which a licensed vocational nurse can perform blood withdrawal and specify the requirements for certification courses in Blood Withdrawal. The proposed amendments clarify the current regulatory language and amend the format/content to be parallel in all applicable sections to the language of Article 8 commencing with section 2542.

**Sections 2547, 2547.1, 2547.2, 2547.3, 2547.4, and 2547.5** of the Vocational Nursing Rules and Regulations specify the conditions under which a licensed vocational nurse can perform intravenous therapy and blood withdrawal and specify the requirements for certification courses in Intravenous Therapy/Blood Withdrawal. The proposed amendments clarify the current regulatory language and amend the format/content to be parallel in all applicable sections to the language of Article 9 commencing with section 2542.

The proposed amendments to sections 2547 and 2547.1 fulfill the requirement of the July 14, 2005, court order issued by the Sacramento Superior Court. That order mandated that the Board withdraw the current regulations that were approved by the Office of Administrative Law in January 2003 and revert to the regulations that were in place immediately preceding that approval.

The proposed amendments to sections 2547.2, 2547.3, 2547.4, and 2547.5 clarify the responsibilities of Intravenous Therapy/Blood Withdrawal Certification Course providers regarding course content, documentation, advertising, and instructor qualifications.

#### **Psychiatric Technicians Rules and Regulations**

- I. Business and Professions Code sections 4511(c)(2) and (3) state that persons who have successfully completed a course of study and training and/or work experience that is deemed by a Board-accredited Psychiatric Technician Program or by the Board to be equivalent to the theory and clinical experience offered in an accredited program may qualify to take the Psychiatric Technician Licensure Examination. Business and Professions Code 4504 authorizes the Board to adopt, amend, or repeal such rules and regulations as may be reasonably necessary

to carry into effect the provisions outlined in Business and Professions Code Division 2, Chapter 10 which includes section 4511.

**Section 2575** of the Psychiatric Technicians Rules and Regulations describe the requirements necessary for a candidate who has not graduated from an accredited psychiatric technician (PT) program to qualify for the licensure examination. Such qualification is based on the candidate's education and/or work experience that is determined by the Board to be equivalent to the education and clinical experience gained as a student in a psychiatric technician program. This section is often referred to as the "equivalency regulations."

The Board's proposed amendments to section 2575(a) clarify the instructor requirements for individuals who teach theory and supervise clinical experience for candidates who wish to qualify for the licensure examination via equivalency. In addition, the amendments define the requirement for "inpatient bedside nursing" experience and add required content regarding communication skills.

The proposed amendments to section 2575(b) clarify the documentation required to establish proof of active duty service in the medical corps of any of the armed services for candidates that wish to qualify for licensure based on military service.

The Board is proposing to delete section 2575(c). This section authorized schools to offer abbreviated psychiatric technician programs for students who possessed work experience that complied with equivalency criteria, but who needed additional theory courses. These programs were referred to as "equivalency programs". No equivalency programs are currently approved by the Board. Archived information indicates that there have been no psychiatric technician equivalency programs.

- II. Business and Professions Code section 4502 defines the psychiatric technician scope of practice. Business and Professions Code 4504 authorizes the Board to adopt, amend, or repeal such rules and regulations as may be reasonably necessary to carry into effect the provisions outlined in Business and Professions Code Division 2, Chapter 10 which includes section 4502.

The Board is proposing to add **section 2576.7** to the regulations to define "private duty nursing". The Board receives numerous scope of practice questions from licensees and potential employers

asking the conditions under which a PT can perform private duty patient care. This section answers those questions.

- III. Business and Professions Code sections 4530, 4531, and 4532 describe accreditation requirements for psychiatric technician programs. Business and Professions Code 4504 authorizes the Board to adopt, amend, or repeal such rules and regulations as may be reasonably necessary to carry into effect the provisions outlined in Business and Professions Code Division 2, Chapter 10 which includes sections 4530, 4531 and 4532.

**Section 2581** of the Psychiatric Technicians Rules and Regulations describes the procedure for accreditation of psychiatric technician programs. The Board's proposed amendments to section 2581 change the requirement for schools to provide documentation of "evidence of program need" to "evidence of program resources" and add a requirement that programs must provide a list of resources for provision of counseling and tutoring services for students.

- IV. Business and Professions Code sections 4530 and 4532 describe the Board's responsibilities related to inspection of psychiatric technician programs and the process to be followed if the program is not maintaining the standard required by the Board. Business and Professions Code 4504 authorizes the Board to adopt, amend, or repeal such rules and regulations as may be reasonably necessary to carry into effect the provisions outlined in Business and Professions Code Division 2, Chapter 10 which includes sections 4530 and 4532.

**Section 2581.1** of the Psychiatric Technician Rules and Regulations describes the process of placing programs that are not maintaining regulatory standards on "Provisional Accreditation". The term "Provisional Accreditation" is intended to designate to all concerned parties that a program is not in complete compliance with the regulations and has been given time by the Board to correct its deficiencies. Based on the Board's experience with these regulations since July 2000, amendments are proposed to clarify the language of the regulations and, in some cases, change the language to allow the Board more flexibility in determining provisional accreditation time periods. The flexibility will allow the Board to invoke provisional accreditation for a reasonable time period during which a program should be able to correct deficiencies rather than the current

method of invoking provisional accreditation for the same time period for all programs.

- V. Business and Professions Code section 4531 describes accreditation requirements for psychiatric technician programs. Business and Professions Code 4504 authorizes the Board to adopt, amend, or repeal such rules and regulations as may be reasonably necessary to carry into effect the provisions outlined in Business and Professions Code Division 2, Chapter 10 which includes section 4531.

**Section 2585** of the Psychiatric Technicians Rules and Regulations specifies “General Requirements” that each program must meet in order to attain and maintain accreditation.

- Current regulations require that students in psychiatric technician programs must have completed a general education course of study through the 12<sup>th</sup> grade or its equivalent. Proposed language designates the organizations that are approved to determine equivalency.
- Current regulations mandate that psychiatric technician programs must maintain a licensure examination pass rate for their graduates that is within ten percentage points of the state’s average yearly pass rate. The proposed regulations delete the current time frame during which new programs have to attain this pass rate, thus allowing them the same review period as existing programs in which to attain/maintain the mandated pass rate.
- Current regulation identifies reporting periods during which program examination statistics are reviewed by the Board. The amendment changes the reporting period from biannual to quarterly.

- VI. Business and Professions Code section 4531 describes accreditation requirements for psychiatric technician programs. Business and Professions Code 4504 authorizes the Board to adopt, amend, or repeal such rules and regulations as may be reasonably necessary to carry into effect the provisions outlined in Business and Professions Code Division 2, Chapter 10 which includes section 4531.

**Section 2587** of the Psychiatric Technicians Rules and Regulations specifies the curriculum content that is required in psychiatric technician programs. The proposed amendments add required content to the psychiatric technician curriculum.

- VII. Business and Professions Code section 4517 establishes Continuing Education Requirements for psychiatric technicians. Business and Professions Code 4504 authorizes the Board to adopt, amend, or repeal such rules and regulations as may be reasonably necessary to carry into effect the provisions outlined in Business and Professions Code Division 2, Chapter 10 which includes sections 4517.

**Sections 2592.3 and 2592.4** of the Psychiatric Technicians Rules and Regulations specify the continuing education requirements for licensees and describe the requirements for providers of continuing education courses. Currently, the regulations require the Board to review documentation regarding every class that a provider wishes to offer. The proposed amendments change the regulations to allow the Board to review only the first course offered during a provider’s two-year approval period. In addition, the proposed amendments clarify the provider’s responsibilities regarding documentation and advertising, and instructor qualifications.

- VIII. Business and Professions Code section 4502.2 describes permissible practices for psychiatric technicians related to blood withdrawal. Business and Professions Code 4504 authorizes the Board to adopt, amend, or repeal such rules and regulations as may be reasonably necessary to carry into effect the provisions outlined in Business and Professions Code Division 2, Chapter 10 which includes section 4502.2.

**Sections 2593, 2593.1, 2593.2, 2593.3 and 2593.4** of the Psychiatric Technicians Rules and Regulations specify the conditions under which a psychiatric technician can perform blood withdrawal and specify the requirements for certification courses in blood withdrawal. The proposed amendments clarify the current regulatory language and amend the format/content to be parallel in all applicable sections to the language of Article 9 commencing with section 2544 of the Vocational Nursing Rules and Regulations.

## POLICY STATEMENT OVERVIEW

The major objective of the Board’s proposed amendments to the regulations is to clarify language and make the regulations easier to understand. In some cases, the objective is to modify the regulatory language for the purpose of refining Board processes. The overall goal of the modifications is to facilitate the approval/accred-

itation process for organizations seeking to gain/maintain approval/accreditation.

All amendments are proposed within the context of upholding Business and Professions Code 2841.1 and 4501.1 which mandates, "Protection of the public shall be the highest priority for the Board of Vocational Nursing and Psychiatric Technicians in exercising its licensing, regulatory and disciplinary functions."

#### FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

**None known**

Nondiscretionary Costs/Savings to Local Agencies:

**None known**

Local Mandate:

**None known**

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement:

**None known**

Business Impact:

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

#### AND

The following studies/relevant data were relied upon in making the above determination:

Discussions with program directors at Board meetings and Director Forums revealed that, in most cases, the proposed changes regarding school accreditation, provisional accreditation and maintenance of examination pass rates will make the processes for compliance clearer but will have no impact on business. Most schools have already implemented the proposed changes in curriculum. Those who have not should be able to adjust current instructor assignments to accomplish the curriculum amendments. For providers of continuing education and certification courses in intravenous therapy and blood withdrawal, the processes have been clarified and streamlined. The changes will have no impact on business.

Impact on Jobs/New Businesses:

The Board of Vocational Nursing and Psychiatric Technicians has determined that this regulatory proposal will not have a significant impact on jobs/new businesses.

The Board of Vocational Nursing and Psychiatric Technicians is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs:

**None**

#### EFFECT ON SMALL BUSINESS

The Board of Vocational Nursing and Psychiatric Technicians has determined that the proposed regulations would not affect small businesses. The changes to the regulations require minimal changes on the part of organizations.

#### CONSIDERATION OF ALTERNATIVES

The Board of Vocational Nursing and Psychiatric Technicians must determine that no reasonable alternative it considered to the regulation or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

#### INITIAL STATEMENT OF REASONS AND INFORMATION

The Board of Vocational Nursing and Psychiatric Technicians has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

#### TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board of Vocational Nursing and Psychiatric Technicians at 2535 Capitol Oaks Drive, Suite 205, Sacramento, California 95833.

#### AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file which



is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

#### CONTACT PERSON

Inquiries or comments concerning the proposed rule-making action may be addressed to:

Name: Angela Hole  
Address: 2535 Capitol Oaks Drive,  
Suite 205  
Sacramento, CA 95833  
Telephone No.: (916) 263-7848  
Fax No.: (916) 263-7859  
E-Mail Address: [angela\\_hole@dca.ca.gov](mailto:angela_hole@dca.ca.gov)

The backup contact person is:

Name: Suellen Clayworth  
Address: 2535 Capitol Oaks Drive,  
Suite 205  
Sacramento, CA 95833  
Telephone No.: (916) 263-7841  
Fax No.: (916) 263-7859  
E-Mail Address: [suellen\\_clayworth@dca.ca.gov](mailto:suellen_clayworth@dca.ca.gov)

Website Access: Materials regarding this proposal can be found at [www.bvnpt.ca.gov](http://www.bvnpt.ca.gov)

### TITLE 16. BUREAU OF AUTOMOTIVE REPAIR

#### NOTICE OF PROPOSED REGULATORY ACTION AND PUBLIC HEARING CONCERNING LAMP AND BRAKE INSPECTIONS, ADJUSTMENTS AND CERTIFICATIONS; STATIONS AND ADJUSTERS

**NOTICE IS HEREBY GIVEN** that the Department of Consumer Affairs/Bureau of Automotive Repair (hereinafter "Bureau") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at hearings to be held at the following locations on the following dates:

#### Southern California

**May 31, 2006, 10:00 a.m.**

Bureau of Automotive Repair  
1180 Durfee Avenue, Suite 120  
Conference/Training Room  
South El Monte, CA 91733

#### Northern California

**June 2, 2006, 10:00 a.m.**

Contractors State Licensing Board  
9821 Business Park Drive  
Hearing Room  
Sacramento, CA 95827

Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be **received by the Bureau at its office not later than 5:00 p.m. on June 2, 2006**, or must be received by the Bureau at one of the above referenced hearings. **Comments sent to persons or addresses other than those specified under Contact Person, or received after the date and time specified above, regardless of the manner of transmission, will not be considered or included in the record of this proposed regulatory action.** The Bureau, upon its own motion or at the instance of any interested party, may thereafter formally adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit oral or written testimony related to this proposal or who have requested notification of any changes to the proposal.

#### AUTHORITY AND REFERENCE

Pursuant to the authority vested by Sections 9882, 9887.1 and 9888.2 of the Business and Professions Code, and to implement, interpret or make specific Section 9882, 9887.1, 9888.2 and 9889.16 of the Business and Professions Code and Section 40616 of the Vehicle Code, the Bureau is considering changes to Article 2 (commencing with § 3305), Article 3 (commencing with § 3315), and Article 4 (commencing with § 3320) of Chapter 1 of Division 33 of Title 16 of the California Code of Regulations, as follows:



INFORMATIVE DIGEST / POLICY STATEMENT  
OVERVIEW

The Bureau was established within the California Department of Consumer Affairs (DCA) in 1972 with the enactment of the Automotive Repair Act. The Bureau was created by Chapter 1578, Statutes 1971 (Senate Bill 51, Beilenson), which mandated a statewide automotive repair consumer protection program. In the furtherance of its mandate, the Bureau administers statewide licensing and enforcement programs.

Through its statewide offices, the Bureau conducts consumer protection services related to the automotive repair and Smog Check programs. Bureau representatives register, license and regulate automotive repair dealers, lamp and brake stations and adjusters, and Smog Check stations and technicians. The Bureau accepts and mediates complaints from the public, investigates violations of the Automotive Repair Act, Smog Check laws, and associated regulations. When appropriate, cases are referred to the Attorney General's office for administrative action, or to law enforcement authorities for civil or criminal prosecution. The Bureau shares the commitment of the DCA to ensuring that consumers are provided information about licensees and registrants in a timely, fair and equitable manner.

The Bureau inherited the Lamp and Brake program in the early 1970's. Previously, the California Highway Patrol (CHP) administered the examinations for the Brake and Lamp Adjusters, and licensed the Brake and Lamp Stations.

California vehicle owners are required to obtain brake and lamp Certificates of Adjustment upon re-registering a vehicle that has been declared a salvage vehicle by the Department of Motor Vehicles (DMV). Also, specially constructed vehicles need to have lamp and brake Certificates of Adjustment before they can be initially registered in California. Consumers are also directed to obtain brake and/or lamp Certificates of Adjustment when they receive a "fix-it" ticket from law enforcement. Lamp and brake Certificates of Adjustment are also issued to an applicant for an authorized emergency vehicle permit.

When California motorists are required to obtain a brake and/or lamp Certificate of Adjustment they take their vehicle to a licensed Brake and/or Lamp station to have the vehicle inspected. The licensed adjuster indicates by checking boxes that those components are in a satisfactory condition or adjustments of required equipment have been done. If the vehicle needs repairs, in order to pass, then the vehicle owner must give authorization for the repairs. Once the vehicle passes inspection then a brake and/or lamp Certificate of Adjustment is issued. The certificate is signed by the adjuster and the adjuster's license number and the station's license number are recorded on the certificate.

The Vehicle Code (VC) contains provisions that specifically relate to lighting equipment (VC, Div. 12, Ch. 2, §§ 24250–26106) and brakes (VC, Div. 12, Ch. 3, §§ 26301–26522), however there are no specific criteria in statute or regulation as to what constitutes the minimum requirements for an inspection that results in the issuance of a lamp or brake Certificate of Adjustment. There are currently no regulations that further define the VC provisions, reference vehicle manufacturers' specifications or specify minimum requirements that must be met in an inspection.

Adjusters are required to sign a Certificate of Adjustment, under penalty of perjury, stating that all items inspected are of an approved type, and that the applicable inspections have been performed, and necessary adjustment or repair have been made, as specified by the Bureau and the vehicle manufacturer. However, BAR does not have any specific inspection, repair or adjustment procedures in regulation for issuing lamp or brake Certificates of Adjustment.

Currently, the Bureau has regulations (16 CCR §§ 3316 and 3321) that state what tools and equipment are required by the different classes of stations, however the Bureau has nothing in regulation that defines the inspection/adjustment procedures that need to be performed in order to check off the appropriate boxes on the certificate before a brake or lamp Certificate of Adjustment is issued. The Bureau has a *Handbook for Lamp Adjusters and Stations* and a *Handbook for Brake Adjusters and Stations*. Currently these handbooks are "Bureau recommendations" but need to be incorporated by reference into regulation as official Bureau manuals to be followed when conducting brake and lamp inspections for the issuance of Certificates of Adjustment.

The proposed regulatory action will establish, in regulation, the specific inspection, adjustment and repair procedures that must be followed before a Brake or Lamp Certificate may be issued. This will help to ensure vehicle owners' confidence that their vehicles have been inspected, adjustments have been made and any necessary repairs have been performed to validate that their vehicles' lamps and brakes are safe, comply with Vehicle Code requirements and meet vehicle manufacturers' specifications. This is consistent with the Bureau of Automotive Repair's (Bureau's) principal mandate to protect the interests of the public.<sup>1</sup> This action is also intended to provide stations and adjusters with clear written criteria that they know must be followed

<sup>1</sup> Section 9880.3 of the Business and Professions Code mandates that the protection of the public shall be the highest priority of the Bureau in exercising its licensing, regulatory, and disciplinary functions. Further, that whenever the protection of the public is inconsistent with other interests sought to be promoted the protection of the public shall be paramount.

before a Certificate of Adjustment may be issued and would inform them, in advance, that failure to comply could result in an enforcement action. Finally, the proposed action is intended to make compliance easier for the Bureau to assess and achieve, and would facilitate enforcement and dispute resolution, when necessary.

**Current Regulation:**

Article 2 (commencing with Section 3305) of Chapter 1 of Division 33 of Title 16 of the California Code of Regulations, sets forth general requirements for the licensing and operation of official stations and the licensing and performance of official adjusters. Included in these provisions is the requirement that all adjusting, inspecting, servicing and repairing of brake and/or lamp systems be performed in accordance with standards, specifications, instructions and directives issued by the Bureau and by manufacturers of devices and vehicles.

Article 3 (commencing with Section 3315) of Chapter 1 of Division 33 of Title 16 of the California Code of Regulations, establishes the various classes of official lamp adjusting stations and specifies the requirements for the operation of those stations, and the tools and equipment that each station must possess. One of those requirements is that stations maintain current copies of certain handbooks, manuals, bulletins and instructions, including the *Bureau Handbook for Lamp Adjusters and Stations*.

Article 4 (commencing with Section 3320) of Chapter 1 of Division 33 of Title 16 of the California Code of Regulations, establishes the various classes of official brake adjusting stations and specifies the requirements for the operation of those stations, and the tools and equipment that each station must possess. One of those requirements is that stations maintain current copies of certain handbooks, manuals, bulletins and instructions, including the *Bureau Handbook for Brake Adjusters and Stations*.

There is currently no regulation that specifies the inspection, adjustment and repair procedures that must be followed before a brake or lamp Certificate of Adjustment may be issued.

**Effect of Regulatory Action:**

This regulatory action will make changes to existing regulations found in Articles 2, 3 and 4 of Chapter 1 of Division 33 of Title 16 of the California Code of Regulations, as follows:

Article 2. Licensing of Official Stations and Adjusters:

1. Section 3305 will be amended to require that all adjustments, inspections, servicing and repairs of lamp and brake systems be performed in accordance with the *Bureau Handbook for Brake Adjusters and Stations*, the *Bureau Handbook for Lamp Adjusters and Stations*, and current

standards, specifications, directives, manuals, bulletins and instructions issued by vehicle and device manufacturers, as applicable. In addition, the February 2003 edition of the Bureau-published handbooks will be incorporated by reference.

Other minor technical, grammatical, editorial or conforming changes will also be made throughout this section. These changes will have no regulatory effect.

2. Section 3306 will be amended to correct and clarify references to the forms that are to be submitted to the Bureau when a licensee changes its business name or address, or when there is a change of ownership. The specific forms will be identified and incorporated by reference.

Other minor technical, grammatical, editorial or conforming changes will also be made throughout this section. These changes will have no regulatory effect.

3. Additional minor technical, grammatical, editorial and conforming changes will also be made in Sections 3307 through 3310. These changes will have no regulatory effect.

Article 3. Official Lamp Adjusting Stations:

1. Minor technical, grammatical, editorial and conforming changes will be made in Sections 3315 and 3316. These changes will have no regulatory effect.

Article 4. Official Brake Adjusting Stations:

1. Minor technical, grammatical, editorial and conforming changes will be made in Sections 3320 and 3321. These changes will have no regulatory effect.

**FISCAL IMPACT ESTIMATES**

**Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:**

None.

**Nondiscretionary Costs/Savings to Local Agencies:**

None.

**Local Mandate:**

None.

**Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement:**

None.

**Business Impact:**

The Bureau has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The following facts/studies/relevant data were relied upon in making the above determination:

The proposed regulatory action will not have any adverse economic impact on businesses because licensed brake and lamp stations will not be required to do anything differently from what they currently do. Nor will stations be required to obtain and/or use any tools, equipment, handbooks or manuals in addition to what is already required by Sections 3316 and 3321. The proposed regulatory action merely memorializes, in regulation, the brake and lamp inspection protocols routinely followed by the industry today.

Impact on Jobs/New Businesses:

The Bureau of Automotive Repair has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Bureau is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs:

None.

## EFFECT ON SMALL BUSINESS

The Bureau has determined that the proposed regulations would affect small businesses.

## CONSIDERATION OF ALTERNATIVES

The Bureau must determine that no reasonable alternative to the regulation would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

## INITIAL STATEMENT OF REASONS AND INFORMATION

The Bureau has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

## TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and of the statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Bureau of Automotive Repair at 10240 Systems Parkway, Sacramento, CA 95827.

## AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND THE RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file that is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

## CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to:

James Allen, Regulations Analyst  
Bureau of Automotive Repair  
10240 Systems Parkway  
Sacramento, CA 95827  
Telephone: (916) 255-3460  
Fax No.: (916) 255-1369  
E-mail: jim\_allen@dca.ca.gov

The backup contact person is:

Debbie Romani, Staff Services Manager  
Bureau of Automotive Repair  
10240 Systems Parkway  
Sacramento, CA 95827  
Telephone: (916) 255-3460  
Fax No.: (916) 255-1369  
E-mail: debbie\_romani@dca.ca.gov

## WEBSITE ACCESS

Materials regarding this proposal can also be found on the Bureau's website at [www.autorepair.ca.gov](http://www.autorepair.ca.gov).

## TITLE 16. DENTAL BOARD OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the Dental Board of California is proposing to take the action described in the Informative Digest. Any person interested may

present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Department of Consumer Affairs, 1625 North Market Blvd, Hearing Room S-102, Sacramento, CA 95834. The telephone number is (916) 263-2300. **The hearing will be held at 11:00 a.m. on Wednesday, May 31, 2006.** Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Dental Board of California at its office not later than 5:00 p.m. on **Monday, May 29, 2006**, or must be received by the Dental Board of California at the hearing. The Dental Board of California, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 1614 of the Business and Professions Code, and to implement, interpret or make specific Sections 1614 and 1617 of said Code and Section 11500-11528 of the Government Code; the Dental Board of California is considering changes to Division 10, Title 16 of the California Code of Regulations as follows:

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

##### Amend 16 California Code of Regulations Section 1001

Existing law requires that the Committee on Dental Auxiliaries (COMDA) review and evaluate auxiliary education programs and courses that apply for Dental Board approval, and make its recommendation to deny or approve those courses and programs to the Board.

The proposed amendment would delegate approval of those auxiliary programs and courses, upon COMDA's recommendation, to the Dental Board's Executive Officer. The Board would retain the authority to deny approval of any course or program.

#### FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Cost or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17651 Requires Reimbursement: None

Business Impact

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The Dental Board of California has determined that this regulatory proposal would not have any adverse impact on the creation of jobs or new businesses or the elimination of jobs of existing businesses or the expansion of businesses in the State of California.

Cost Impact on Representative Private Person or Business:

The Dental Board of California is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effects on Housing Costs: None

#### EFFECT ON SMALL BUSINESS

The Dental Board of California has determined that the proposed regulation may affect course providers who apply for approval of auxiliary programs and courses by decreasing the time that the approval process may take.

#### CONSIDERATION OF ALTERNATIVES

The Dental Board of California must determine that no reasonable alternative which it considers or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

#### INITIAL STATEMENT OF REASONS AND INFORMATION

The Dental Board of California has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.



## TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Dental Board of California, 1432 Howe Avenue, Suite 85, Sacramento, California 95825.

## AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection, by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

## CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to:

Name: Donna Kantner  
Address: 1432 Howe Avenue, Suite 85  
Sacramento, California 95825  
Telephone: (916) 263-2300, ext 2308  
Fax Number: (916) 263-2140  
E-Mail Address: Donna\_Kantner@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Donna Kantner (916) 263-2300, ext. 2308.

Website Access Materials regarding this proposal can be found at [www.dbc.ca.gov](http://www.dbc.ca.gov)

## TITLE 16. DENTAL BOARD OF CALIFORNIA

NOTICE IS HEREBY GIVEN that the Dental Board of California is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at the Department of Consumer Affairs, 1625 North Market Blvd, Hearing Room S-102, Sacramento, CA 95834. The telephone number is (916) 263-2300. **The hearing will be held at 10:00 a.m. on Wednesday, May 31, 2006.** Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by

the Dental Board of California at its office not later than 5:00 p.m. on **Monday, May 29, 2006**, or must be received by the Dental Board of California at the hearing. The Dental Board of California, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Section 1614 of the Business and Professions Code, and to implement, interpret or make specific Sections 1647.10, 1647.11, 1647.12, 1647.14, 1647.18, 1647.19, 1647.20, 1647.21, 1647.22 and 1647.24 of said Code; the Dental Board of California is considering changes to Division 10, Title 16 of the California Code of Regulations as follows:

## INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Amend 16 California Code of Regulations Sections 1044, 1044.1, 1044.2, 1044.3, and 1044.5 and add Section 1044.4

Existing law requires a dentist who wants to administer Oral Conscious Sedation (OCS) to meet certain educational criteria, in addition to meeting specific facility and equipment standards.

The proposed regulations implement the new sections of law by distinguishing between OCS as administered to minor and adult patients, specifying that certain postgraduate and advanced education programs meet OCS certificate requirements, and specify the method of documentation of 10 patients required for the issuance of an adult OCS certificate.

## FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Cost or Savings to State Agencies or Costs/Savings in Federal Funding to the State: The board requested a Budget Change Proposal (1101-01-L) for a full time Staff Services Analyst position to process the workload associated with implementation of the Adult Oral Conscious Sedation Certification Program. The sum of \$47,000 was included in AB 1386 as an appropriation for 1 Staff Services Analyst personnel year (PY) for the remaining 6 months of FY 05-06 for the purpose of processing applications for adult conscious sedation certifi-



icates pursuant to the mandatory requirement imposed by this Section.

There are no costs or savings in Federal Funding to the State as no federally funded State programs or agencies are affected.

Nondiscretionary Costs/Savings to Local Agencies:  
None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17651 Requires Reimbursement: None

Business Impact

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

Impact on Jobs/New Businesses:

The Dental Board of California has determined that this regulatory proposal may impact dental offices who have heretofore been allowed to administer Oral Conscious Sedation to adult patients without a certificate. The statutory requirement effective January 1, 2006 requires that those businesses must obtain a certificate to administer Adult OCS. A dentist who had never before administered oral conscious sedation could incur initial educational and equipment costs to be able to safely provide this service. However, it is not mandatory that any dentist must provide oral conscious sedation to patients, and the usage of a single maximum recommended dosage is exempted.

Cost Impact on Representative Private Person or Business:

The cost for a new application for a certificate to administer OCS to adult patients would be \$200.00 and biennial renewal fees of \$75.00 for each full two year period. A dentist who currently holds a certificate to administer OCS to minor patients would not be required to obtain an additional certificate for administration of OCS to adult patients.

Effects on Housing Costs: None

#### EFFECT ON SMALL BUSINESS

The Dental Board of California has determined that the proposed regulation may affect dental offices who cannot administer OCS to adult patients after January 1, 2006 without certification due to passage of AB 1386.

#### CONSIDERATION OF ALTERNATIVES

The Dental Board of California must determine that no reasonable alternative which it considers or that has

otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

#### INITIAL STATEMENT OF REASONS AND INFORMATION

The Dental Board of California has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

#### TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Dental Board of California, 1432 Howe Avenue, Suite 85, Sacramento, California 95825.

#### AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection, by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

#### CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to:

Name: Donna Kantner  
Address: 1432 Howe Avenue, Suite 85  
Sacramento, California 95825  
Telephone: (916) 263-2300, ext 2308  
Fax Number: (916) 263-2140  
E-Mail Address: Donna\_Kantner@dca.ca.gov

The back-up contact person is:

Name: Robert Hedrick  
Address: 1432 Howe Avenue, Suite 85  
Sacramento, California 95825  
E-Mail Address: robert\_hedrick@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Donna Kantner (916) 263-2300, ext. 2308.

Website Access Materials regarding this proposal can be found at [www.dbc.ca.gov](http://www.dbc.ca.gov)

## TITLE 17. CALIFORNIA INSTITUTE FOR REGENERATIVE MEDICINE

### NOTICE OF PROPOSED REGULATION ADOPTION

**Deadline for Submission of Written Comment: May 29, 2006 — 5:00 p.m.**

**Hearing Date: None scheduled.**

**Subject Matter of Proposed Regulations: Conflict of Interest Rules Applicable to Scientific and Medical Working Groups of the CIRM.**

#### Sections Affected:

The proposed regulations adopt Chapter 1 and sections 100001, 100002, 100003, and 100004 of Title 17 of the California Code of Regulations.

**Authority:** Article XXXV of the California Constitution and Health and Safety Code section 125290.40, subdivision (j).

**Reference:** Sections 125290.50, subd. (e), 125290.55, 125290.60, 125290.65, 125292.10, subds. (i) and (j), Health and Safety Code.

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The California Institute for Regenerative Medicine (“Institute” or “CIRM”) was established in early 2005 with the passage of Proposition 71 (the “Act”), the California Stem Cell Research and Cures Initiative. The statewide ballot measure, which provides \$3 billion in funding for stem cell research and dedicated facilities at California universities and research institutions, was approved by California voters on November 2, 2004, called for the establishment of a new state agency to make grants and provide loans for stem cell research, research facilities and other vital research opportunities.

The Independent Citizens’ Oversight Committee (“ICOC”) is the 29-member governing board for the In-

stitute. The ICOC members are public officials, appointed on the basis of their experience earned in California’s leading public universities, non-profit academic and research institutions, patient advocacy groups and the biotechnology industry.

The goal of the CIRM is to sponsor and facilitate research in regenerative medicine that will advance scientific understanding and result in the development of therapies and treatments for a wide range of devastating diseases. To help in this task, the Act created three working groups, called Grants Review, Facilities, and Medical and Ethical Standards, which draw on outside experts for advice. Each of the working groups has patient advocates, as well as outside experts, among its members.

The goal of two of these groups, Grants Review and Facilities, is to provide expert technical evaluation of applications either for research grants or for research facilities. Neither of these committees is responsible for policy discussions or for funding decisions. In both cases, all policy decisions related to the grants and facilities programs and all final decisions about funding are made by the ICOC in open meeting, either upon recommendation by an ICOC Sub-Committee or by the CIRM staff.

In the case of the third committee, Medical and Ethical Standards, the policy decisions are so important and of such general interest that outside experts to aid the CIRM in formulating and recommending the medical and ethical policies that guide the CIRM’s work. The work of this committee differs from the other two in that it does not consider requests for funding.

Because the working groups are purely advisory, members of the groups are not subject to the conflict of interest disclosure and disqualification laws of the Political Reform Act. (Health and Safety Code § 125290.50, subd. (e).) Nevertheless, the ICOC has taken the unprecedented step of subjecting these advisory bodies to stringent conflict of interest requirements as detailed in the draft regulations. The success of the CIRM research program and its ability to maintain the confidence of the people of California depends critically upon the agency’s ability to fund the highest quality research proposals, chosen without bias. Strong CIRM conflict of interest policies are thus essential. The draft regulations have been developed with invaluable input provided by the public at six different public meetings of the ICOC and Legislative Subcommittee and informed by national and state policies addressing these issues in similar contexts. In many cases the regulations are more stringent than existing provisions in state law governing public officials.

Specifically, the proposed regulations define when a conflict of interest arises for working group members and describe their responsibilities with respect to dis-

closure of financial, professional and personal interests, in addition to rules regarding disqualification from participating in decisions when a conflict of interest arises. The regulations are similar, although not identical, to Government Code provisions in the Political Reform Act governing conflict of interest disclosure and disqualification. In many cases the regulations are more stringent than existing provisions in state law governing public officials. Also, the regulations describe the document-retention requirements of the CIRM and working group staffs for purposes of audit to ensure documented compliance with the regulations.

**Technical, Theoretical or Empirical Studies, Reports or Documents:**

CIRM relied upon:

- 1) The National Academies — Sciences, Engineering, Institute of Medicine, National Research Council — Policy on Committee Composition and Balance and Conflicts of Interest — May 12, 2003 — including forms, available at: <http://www.nationalacademies.org/doi/index.html>
- 2) The National Institutes of Health policies on Conflicts of Interest — [http://www.nih.gov/about/ethics\\_COI.htm](http://www.nih.gov/about/ethics_COI.htm).
- 3) University of California Special Research Programs.
- 4) Public input received at six public meetings conducted by the ICOC and its subcommittees on: April 7, 2005; May 6, 2005; May 23, 2005; June 20, 2005; July 12, 2005; August 5, 2005.

Copies of the documents referenced above in numerals 1 through 3 are available on CIRM's website under the "Regulations" link at [www.cirm.ca.gov](http://www.cirm.ca.gov). These documents are also available at the offices of CIRM located at 210 King Street, San Francisco, California, 94107. Transcripts and meeting minutes of the meetings referenced in numeral 4 are also available on CIRM's website under the "Meetings Transcripts" link.

**Submittal of Comments:**

Any interested party may present comments in writing about the proposed action to the agency contact person named in this notice. Written comments must be received no later than 5:00 p.m. on May 29, 2006. Comments regarding this proposed action may also be transmitted via e-mail to [coi.workinggroups@cirm.ca.gov](mailto:coi.workinggroups@cirm.ca.gov) or by facsimile transmission to (415) 396-9141.

At this time, no public hearing has been scheduled concerning the proposed regulations. If any interested person or the person's representative requests a public hearing, he or she must do so in writing no later than May 15, 2006.

**Effect on Small Business:**

CIRM has determined that the proposed regulatory action has no impact on small businesses. The proposed regulations affect only members of the three working groups that are advisory bodies to the ICOC. As such, the regulations are not expected to adversely impact small business as defined in Government Code section 11342.610.

**Impact on Local Agencies or School Districts:**

CIRM has determined that the proposed regulatory action does not impose a mandate on local agencies or school districts, nor does it require reimbursement by the state pursuant to Part 7 (commencing with section 17500) of Division 4 of the Government Code because the regulatory action does not constitute a "new program or higher level of service of an existing program" within the meaning of section 6 of Article XIII of the California Constitution. CIRM has also determined that no nondiscretionary costs or savings to local agencies or school districts will result from the proposed regulatory action.

**Costs or Savings to State Agencies:**

CIRM has determined that no savings or increased costs to any agency will result from the proposed regulatory action.

**Effect on Federal Funding to the State:**

CIRM has determined that no costs or savings in federal funding to the state will result from the proposed regulatory actions.

**Effect on Housing Costs:**

CIRM has made an initial determination that the proposed actions will have no effect on housing costs.

**Significant Statewide Adverse Economic Impact Directly Affecting Businesses:**

CIRM has made an initial determination that adoption of this regulation will not have a significant statewide adverse economic impact directly affecting businesses, including the ability of California Businesses to compete with businesses in other states.

**Cost Impacts on Representative Private Persons or Businesses:**

CIRM has made an initial determination that the adoption of this regulation will not have a significant cost impact on representative private persons or businesses. The CIRM is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**Impact on the Creation, Elimination, or Expansion of Jobs:**

CIRM has determined it is unlikely the proposed regulatory action will impact the creation or elimination of jobs, the creation of new businesses or the elimination

of existing businesses, or the expansion of businesses currently doing business within the State of California.

**Consideration of Alternatives:**

CIRM must determine that no reasonable alternatives considered by the agency, or that have otherwise been identified and brought to the attention of the agency, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons or businesses than the regulatory action.

**Availability of Statement of Reasons and Text of Proposed Regulations:**

CIRM has prepared an Initial Statement of Reasons, and has available the express terms of the proposed action, all of the information upon which the proposal is based, and a rulemaking file. A copy of the Initial Statement of Reasons and the proposed text of the regulation may be obtained from the agency contact person named in this notice. The information upon which CIRM relied in preparing this proposal and the rulemaking file are available for review at the address specified below.

**Availability of Changed or Modified Text:**

After the close of the comment period, CIRM may make the regulation permanent if it remains substantially the same as described in the Policy Statement Overview. If CIRM does make changes to the regulation, the modified text will be made available for at least 15 days prior to adoption. Requests for the modified text should be addressed to the agency contact person named in this notice. CIRM will accept written comments on any changes for 15 days after the modified text is made available.

**Agency Contact:**

Written comments about the proposed regulatory action; requests for a copy of the Initial Statements of Reasons, the proposed text of the regulation, and a public hearing; and inquiries regarding the rulemaking file may be directed to:

C. Scott Tocher, Interim Legal Counsel  
California Institute for Regenerative Medicine  
210 King Street  
San Francisco, CA 94107  
(415) 396-9100

**Backup Contact:**

Kate Shreve,  
CIRM  
(415) 396-9100

The Notice of Proposed Regulatory Adoption, the Initial Statement of Reasons and any attachments, and the proposed text of the regulations are also available on CIRM's website, [www.cirm.ca.gov](http://www.cirm.ca.gov).

**Availability of Final Statement of Reasons:**

Following its preparation, a copy of the Final Statement of Reasons mandated by Government Code section 11346.9, subdivision (a), may be obtained from the contact person named above. In addition, the Final Statement of Reasons will be posted on CIRM's webpage and accessed at [www.cirm.ca.gov](http://www.cirm.ca.gov).

**GENERAL PUBLIC INTEREST**

**OFFICE OF ENVIRONMENTAL  
HEALTH HAZARD ASSESSMENT**

CALIFORNIA ENVIRONMENTAL PROTECTION  
AGENCY

**Notice to Interested Parties**  
April 14, 2006

**Announcement of a Public Comment Period**

**Public comments on the child-specific Reference  
Doses (chRDs) for manganese and  
pentachlorophenol for use in assessing health risks  
at existing and proposed School Sites**

The Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency is making available for review and comment the final Draft Report "Development of Health Criteria for School Site Risk Assessment Pursuant to Health and Safety Code Section 901(g): PROPOSED CHILD-SPECIFIC REFERENCE DOSES (chRDs) FOR SCHOOL SITE RISK ASSESSMENT—manganese and pentachlorophenol." Health and Safety Code (HSC), Section 901(g) requires OEHHA to evaluate and publish, as appropriate, numerical health guidance values (HGVs) or chRDs for those chemicals that would be encountered at school sites and adversely impact school children. ChRDs for the aforementioned chemicals are being considered at this time.

This final public review and comment period follows the requirements set forth in Health and Safety Code Section 57003 for receiving public input. OEHHA has reviewed comments from an external peer review panel assembled by the Office of the President, University of California, and other interested parties in developing the final draft document. OEHHA requests that comments on this final draft report be delivered to OEHHA by 5:00 p.m. May 15, 2006.

If you would like to receive further information on this announcement or have questions, please contact



our office at (916) 324–2829 or the address below. Written requests or comments should be addressed to:

Mr. Leon Surgeon  
Integrated Risk Assessment Section  
Office of Environmental Health Hazard Assessment  
P.O. Box 4010  
1001 I Street  
Sacramento, California 95812–4010  
FAX: (916) 322–9705

## **CALIFORNIA PUBLIC EMPLOYEES’ RETIREMENT SYSTEM**

### **Board of Administration California Public Employees’ Retirement System**

#### **Decision on Petition for Adoption of Regulation California Government Code section 11340.7**

#### **INTRODUCTION**

On March 1, 2006, Mr. James McRitchie filed, under California Government Code section 11340.6, a petition to the Board of Administration, California Public Employees’ Retirement System (CalPERS). The petition requested that CalPERS amend California Code of Regulations, title 2, section 554 and section 554.6. If adopted, the proposed amendments would:

1. Regarding the prohibition against CalPERS staff directly involved in conducting a CalPERS election from using his/her official position to favor one candidate over another, delete the reference to staff “directly involved in conducting a CalPERS election.”
2. Provide for “instant runoff” voting in CalPERS elections to replace the current runoff election process used when no candidate receives 50% plus one vote as a result of the initial election.

Pursuant to Government Code section 11340.7, and for the reasons set forth below, CalPERS hereby denies the request.

#### **DECISION**

1. The California Code of Regulations, title 2, section 554,<sup>1</sup> provides guidelines for staff directly involved in conducting Board elections. The issue of deleting the “directly involved” portion of the

---

<sup>1</sup> Further section references will be to the California Code of Regulations, title 2, unless otherwise noted.

section to include all CalPERS staff was considered during an earlier rulemaking process (see Office of Administrative Law Notice File # Z00–1212–05, Final Statement of Reasons, p. 3) when changes were made to the regulation in 2000–2001. In response to public comments requesting section 554 be amended by removing the phrase “directly involved in conducting a CalPERS election,” CalPERS stated, “The proposed restriction may be excessively broad, thus becoming vague in its application to non–election activities. . . . Also, there is no showing of necessity at this time for making the regulation broader in coverage than proposed.” Based on this determination, CalPERS decided at that time not to adopt the proposed changes to the regulation.

Staff is reviewing the existing Board election regulations and may present the issue to the CalPERS Board of Administration at a meeting of the Board this spring for consideration and action as it deems appropriate. Accordingly, CalPERS denies the petition in regard to this issue at this time.

2. Section 554.6 provides for ballot counting and runoff elections in Board elections. The proposed amendments to section 554.6 regarding an “instant runoff” election were addressed in the rulemaking process which amended that section in 2001. (See Office of Administrative Law Notice File # Z00–1212–05, Final Statement of Reasons, p. 4.) In 2001, section 554.6 was changed to provide for a runoff election if no candidates managed to garner a 50% plus one vote majority of the votes cast. Public comments suggesting that CalPERS adopt an “instant runoff” procedure for Board elections are on record in the rulemaking file and in the Final Statement of Reasons. At that time, CalPERS responded by explaining that the current ballot requires that one candidate be selected, and that any ballot required by an instant runoff voting process may be confusing to CalPERS voters and may reduce voter turnout. Based on CalPERS’ analysis, CalPERS decided at that time not to make the proposed changes to the regulation.

Staff is reviewing the existing Board election regulations and may present the issue to the CalPERS Board of Administration at a meeting of the Board this spring for consideration and action as it deems appropriate. Accordingly, CalPERS denies the petition in regard to this issue at this time.

For the reasons set forth above, CalPERS respectfully denies the rulemaking petition of March 1, 2006.



CONTACT PERSON

Interested parties may obtain a copy of the petition by contacting CalPERS.

CalPERS Contact: Carol McConnell,  
Deputy General Counsel  
CalPERS  
Lincoln Plaza North  
400 Q Street, Suite 3340  
Sacramento, California 95814

**SUMMARY OF REGULATORY  
ACTIONS**

**REGULATIONS FILED WITH  
SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

BOARD OF EDUCATION

Provisions Unique to Charter Schools — Pupil-Teacher Ratio

This amendment is to 5 CCR 11704 which indicates that the ratio of average daily attendance for independent study pupils in a charter school only includes students 18 years of age or less. In 2005 the legislature added Education Code section 51745.6(e) that states, "All charter school pupils, regardless of age, shall be included in pupil-to-certificated-employee ratio calculations." Therefore the BOED is removing the language from this regulation indicating it only applies to students 18 years of age or less. This amendment is designed to bring 5 CCR 11704 into consistency with statute. The BOED is also deleting a redundant word from this regulation.

Title 5  
California Code of Regulations  
AMEND: 11704  
Filed 04/04/06  
Effective 04/04/06  
Agency Contact: Debra Strain (916) 319-0641

DEPARTMENT OF FOOD AND AGRICULTURE  
Mediterranean Fruit Fly Interior Quarantine

In this Certificate of Compliance filing, the Department of Food and Agriculture amends its regulation pertaining to the "Mediterranean Fruit Fly Interior Quarantine" to expand a quarantine area in the Rancho Cucamonga area of San Bernardino County.

Title 3  
California Code of Regulations  
AMEND: 3406(b)  
Filed 03/30/06  
Effective 03/30/06  
Agency Contact: Stephen Brown (916) 654-1017

DEPARTMENT OF INSURANCE  
Workers' Compensation Fraud

This emergency action amends the existing Workers' Compensation Anti-Fraud Program regulations by eliminating the required 5% funding reserve, changing bi-annual funding to annual funding, and eliminating one of three accounting methods used to calculate indirect costs in a grant application. This emergency action is a statutory emergency under the authority provided by Insurance Code section 1872.83(g).

Title 10  
California Code of Regulations  
AMEND: 2698.52(c), 2698.53(b), 2698.56(c)  
Filed 03/30/06  
Effective 03/30/06  
Agency Contact:  
Vanessa Himelblau (415) 538-4151

DEPARTMENT OF MOTOR VEHICLES  
Fee Adjustment

This non-substantive file amends 13CCR423 to correct citations to Vehicle Code section 9250 within the body of the regulation.

Title 13  
California Code of Regulations  
AMEND: 423.00  
Filed 04/04/06  
Effective 04/04/06  
Agency Contact: Christie Patrick (916) 657-5567

DEPARTMENT OF PARKS AND RECREATION  
OHMVR Grant & Cooperative Agreement Regulations

This is a request to readopt prior emergency regulatory actions (OAL file nos. 05-0401-22ER, 05-0729-04EE, and 05-1128-05EE) dealing with local assistance grants, grants to nonprofit organizations and education institutions, and cooperative agreements with federal agencies and federally recognized Native American tribes by the Off-Highway Motor Vehicle Recreation (OHMVR) Division of the Department of

Parks and Recreation. These regulations, which apply only to grant applications received before January 1, 2006, include definitions, application requirements, types of projects, and specific application and content requirements for the individual projects, environmental impact reporting requirements, wildlife habitat protection program (WHPP)/habitat management program (HMP) and soil conservation requirements, match requirements, and accounting, audits and annual performance reviews. This emergency regulatory action also incorporates by reference the Manual for Off-Highway Motor Vehicle Recreation Local Assistance Grants, Grants to Nonprofit Organizations and Educational Institutions, and Cooperative Agreements Program, dated April 2005, which includes among other regulatory provisions: application instructions, application evaluation criteria and point scoring system, approval of applications, and project administration procedures.

**Title 14**

**California Code of Regulations**

ADOPT: 4970, 4970.02, 4970.03, 4970.04, 4970.05, 4970.06, 4970.07, 4970.08, 4970.09, 4970.10, 4970.11, 4970.12, 4970.13, 4970.14, 4970.15, 4970.16, 4970.17, 4970.18, 4970.19, 4970.20, 4970.21 AMEND: 4970.00, 4970.01 REPEAL: 4970.02, 4970.03, 4970.04, 4

Filed 04/03/06

Effective 04/03/06

Agency Contact: Janelle Miller (916) 324-2350

**DEPARTMENT OF PARKS AND RECREATION**

**OHMVR Grant & Cooperative Agreement Regulations**

This emergency regulatory action deals with local assistance grants, grants to nonprofit organizations and education institutions, and cooperative agreements with federal agencies and federally recognized Native American tribes by the Off-Highway Motor Vehicle Recreation (OHMVR) Division of the Department of Parks and Recreation. These regulations will govern applications submitted during the 2006 grant cycle. The regulations include definitions, application requirements, types of projects, and specific application and content requirements for the individual projects, environmental impact reporting requirements, wildlife habitat protection program (WHPP)/habitat management program (HMP) and soil conservation requirements, match requirements, and accounting, audits and annual performance reviews. This emergency regulatory action also incorporates by reference the Manual for Off-Highway Motor Vehicle Recreation Local Assistance Grants, Grants to Nonprofit Organizations and Educational Institutions, and Cooperative Agreements Program, dated March 2006, which includes among other regulatory provisions: application instructions, ap-

plication evaluation criteria and point scoring system, approval of applications, and project administration procedures.

**Title 14**

**California Code of Regulations**

ADOPT: 4970.49, 4970.50, 4970.51, 4970.52, 4970.53, 4970.54, 4970.55, 4970.56, 4970.57, 4970.58, 4970.59, 4970.60, 4970.61, 4970.62, 4970.63, 4970.64, 4970.65, 4970.66, 4970.67, 4970.68, 4970.69, 4970.70, 4970.71, 4970.72

Filed 04/03/06

Effective 04/03/06

Agency Contact: Janelle Miller (916) 324-2350

**DEPARTMENT OF SOCIAL SERVICES**

CalWORKs Program Changes, SB 1104 (Ch229, 2004) and SB 68 (Ch78, 2005)

This action is the emergency resubmittal of modifications to the CalWORKs program regulations made to implement changes mandated by SB 1104 (Chap. 229, Stats. 2004) and SB 68 (Chap. 78, Stats. 2005). The prior emergency filing resubmitted here is OAL file number 05-1121-OIE.

**Title MPP**

**California Code of Regulations**

AMEND: 11-501, 42-302, 42-701, 42-711, 42-712, 42-713, 42-715, 42-716, 42-718, 42-719, 42-720, 42-721, 42-722, 42-802, 42-1009, 42-1010, 44-111, 63-407 REPEAL: 42-710

Filed 04/03/06

Effective 04/03/06

Agency Contact: Alison Garcia (916) 657-2586

**FAIR POLITICAL PRACTICES COMMISSION**

**Aggregation of Contributions**

This action adopts definitions pertaining to the aggregation of contributions of entities directed and controlled by an individual and amends rules relating to the aggregation and reporting of independent expenditures.

**Title 2**

**California Code of Regulations**

ADOPT: 18215.1 AMEND: 18225.4, 18428

Filed 04/04/06

Effective 05/04/06

Agency Contact: William J. Lekeit (916) 322-5660

**OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

**Compressed Air Safety Orders**

This action reorganizes the current compressed air safety orders into a new Group within the General Industrial Safety Orders.

**Title 8**

California Code of Regulations

ADOPT: 6070, 6074, 6075, 6080, 6085, 6087, 6089, 6090, 6095, 6100, 6105, 6110, 6115, 6120 REPEAL: 1200, 1204, 1205, 1210, 1215, 1216, 1217, 1220, 1225, 1230, 1240, 1250, 1270, 1280

Filed 04/04/06

Effective 05/04/06

Agency Contact: Marley Hart (916) 274-5721

**OCCUPATIONAL SAFETY AND HEALTH  
STANDARDS BOARD**

**Concrete Pumps and Placing Booms**

This regulatory action creates safety standards for mobile truck-mounted concrete pumping equipment, particularly pumps and placing booms. These standards are substantially based on a consensus proposal developed by an ad hoc committee consisting of equipment manufacturers, inspectors, and management and labor representatives. This action also makes other non-substantive, reformatting and grammatical revisions to section 1720.

**Title 8**

California Code of Regulations

AMEND: 1720

Filed 04/03/06

Effective 05/03/06

Agency Contact: Marley Hart (916) 274-5721

**SPEECH-LANGUAGE PATHOLOGY AND  
AUDIOLOGY BOARD**

**Citations and Fines**

This action amends the Speech-Language Pathology and Audiology Board's existing provisions governing the citation and administrative fine process authorized by Business and Professions Code section 125.9.

**Title 16**

California Code of Regulations

ADOPT: 1399.159.01 AMEND: 1399.159, 1399.159.1 REPEAL: 1399.159.4

Filed 03/29/06

Effective 04/28/06

Agency Contact: Kathi Burns (916) 263-2666

**CCR CHANGES FILED  
WITH THE SECRETARY OF STATE  
WITHIN NOVEMBER 02, 2005 TO  
APRIL 05, 2006**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with

the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

**Title 1**

03/28/06 AMEND: 1395

03/27/06 ADOPT: 250, 260, 270, 280 AMEND: 55

12/29/05 AMEND: 1038

**Title 2**

04/04/06 ADOPT: 18215.1 AMEND: 18225.4, 18428

03/14/06 ADOPT: 1859.70.3, 1859.71.5, 1859.78.9, 1859.93.2, 1859.93.3  
AMEND: 1859.2, 1859.61, 1859.74, 1859.77.1, 1859.79, 1859.79.2, 1859.83, 1859.104, 1859.202, 1859.66

03/08/06 AMEND: 56, 56.1, 56.2, 56.3, 56.4, 56.5, 56.6, 56.7, 56.8

02/28/06 AMEND: 57.1, 57.2, 57.3, 57.4

02/21/06 ADOPT: 18371

02/21/06 REPEAL: 2550, 2551, 2552, 2553, 2554, 2555, 2556

02/21/06 AMEND: 2320(a) (2)

02/21/06 ADOPT: 18361.10

02/16/06 AMEND: Div. 8, Ch. 58, Sec. 54700

01/30/06 AMEND: Div. 8, Ch. 103, Sec. 59150

01/24/06 REPEAL: 649.23, 649.25, 649.26, 649.27

01/23/06 AMEND: 18351

01/20/06 AMEND: 1897

01/17/06 AMEND: Div. 8, Ch. 64, Sec. 55300

01/17/06 ADOPT: 560 REPEAL: 560

12/29/05 AMEND: 18329.5, 18701, 18751

12/21/05 AMEND: 599.960, 599.961

12/20/05 AMEND: 18700, 18707, 18708

12/12/05 ADOPT: 20108, 20108.1, 20108.12, 20108.15, 20108.18, 20108.20, 20108.25, 20108.30, 20108.35, 20108.36, 20108.37, 20108.38, 20108.40, 20108.45, 20108.50, 20108.51, 20108.55, 20108.60, 20108.65, 20108.70, 20108.75, 20108.80

11/16/05 AMEND: 1181

11/07/05 ADOPT: 1859.300, 1859.301, 1859.302, 1859.310, 1859.311, 1859.312, 1859.313, 1859.314, 1859.315, 1859.316, 1859.317, 1859.318, 1859.319, 1859.320, 1859.321, 1859.322, 1859.323, 1859.323.1, 1859.323.2, 1859.324, 1859.325, 1859.326, 1859.327, 1859.328,

11/07/05	AMEND: 20107		7097, 7098, 7099 REPEAL: 7000, 7001, 7003, 7004, 7005, 7006, 7007, 7008, 7009, 7010, 7011, 7012, 7013, 7013.
<b>Title 3</b>			
03/30/06	AMEND: 3406(b)		
03/28/06	AMEND: 3406(b)	11/28/05	ADOPT: 503, 512, 515, 516, 517, 518, 519, 523, 524 AMEND: 500, 501, 502, 510, 513, 514, 520, 552, 530, 531, 533 REPEAL: 521
03/23/06	ADOPT: 6310 AMEND: 6170		
03/07/06	AMEND: 3700(c)		
03/01/06	AMEND: 3406(b)	11/23/05	AMEND: 4083
02/22/06	AMEND: 3406(b)	<b>Title 5</b>	
02/21/06	AMEND: 3433(b)	04/04/06	AMEND: 11704
02/21/06	AMEND: 3700(c)	03/16/06	ADOPT: 1207.1, 1207.2 AMEND: 1204.5
02/21/06	ADOPT: 3591.19(a)(b)(c) AMEND: 3591.19(a)		
02/16/06	ADOPT: 3433	03/16/06	ADOPT: 15566, 15567, 15568, 15569
02/07/06	AMEND: 6502	02/17/06	ADOPT: 19827 AMEND: 19814, 19814.1, 19851, 19853
02/02/06	AMEND: 3700(c)		
01/12/06	AMEND: 6393, 6394, 6395, 6396	01/19/06	ADOPT: 11987, 11987.1, 11987.2, 11987.3, 11987.4, 11987.5, 11987.6, 11987.7
12/28/05	AMEND: 3406(b)		
12/28/05	ADOPT: 6576, 6950	12/30/05	AMEND: 58050, 58164, 58168, 58170, 58172
12/15/05	AMEND: 6400		
12/13/05	AMEND: 3700(c)	12/29/05	ADOPT: 4680, 4681, 4682, 4683, 4684, 4685, 4686, 4687 AMEND: 4600, 4610, 4611, 4620, 4621, 4622, 4630, 4631, 4632, 4633, 4640, 4650, 4651, 4660, 4662, 4663, 4664, 4665, 4670, 4910 REPEAL: 4661, 4671
12/01/05	AMEND: 3700(c)		
11/23/05	AMEND: 3406(b)	12/12/05	ADOPT: 80033.2
<b>Title 4</b>		12/07/05	AMEND: 43810
03/24/06	ADOPT: 10175, 10176, 10177, 10178, 10179, 10180, 10181, 10182, 10183, 10184, 10185, 10186, 10187, 10188, 10189, 10190, 10191	12/06/05	ADOPT: 11963.5 AMEND: 11704, 11963.2, 11963.3, 11963.4, 11963.5, 11963.6
03/23/06	ADOPT: 10302(bb), 10305(d), 10305(e), 10315(d), 10315(j), 10320(b), 10322(e), 10325(c), 10325(c)(3)(K), 10325(c)(6), 10325(c)(8), 10325(c)(12), 10325(f)(7), 10325(f)(10), 10325(g)(5)(B)(ii), 10325(g)(5)(B)(iv), 10325(g)(5)(B)(v), 10326(g)(6), 1036(g)(7),	11/17/05	AMEND: 41301 REPEAL: 41303, 41304
02/28/06	AMEND: 4143	11/15/05	AMEND: 6111
01/25/06	ADOPT: 12002, 12004, Appendix A AMEND: 12100, 12200, 12220, 12300	11/10/05	AMEND: 19826.1
01/20/06	ADOPT: 1843.6	<b>Title 8</b>	
01/09/06	ADOPT: 1902.5	04/04/06	ADOPT: 6070, 6074, 6075, 6080, 6085, 6087, 6089, 6090, 6095, 6100, 6105, 6110, 6115, 6120 REPEAL: 1200, 1204, 1205, 1210, 1215, 1216, 1217, 1220, 1225, 1230, 1240, 1250, 1270, 1280
01/09/06	ADOPT: 1690.1		
12/29/05	AMEND: 8070, 8071, 8072, 8073, 8074, 8076	04/03/06	AMEND: 1720
12/21/05	ADOPT: 12359	03/22/06	AMEND: 9701, 9702, 9703
12/14/05	AMEND: 7075, 7082, 7084, 7092, 7093, 7094, 7098	03/15/06	AMEND: 1710(f)
12/05/05	AMEND: 1977	03/14/06	ADOPT: 9783.1 AMEND: 9780, 9780.1, 9781, 9782, 9783 REPEAL: 9780.2, 9784
12/05/05	REPEAL: 1959.5, 1959.6, 1959.7, 1959.8, 1976.5, 1976.7		
11/28/05	ADOPT: 7075, 7076, 7077, 7078, 7079, 7079, 7080, 7081, 7082, 7083, 7084, 7085, 7086, 7087, 7088, 7089, 7090, 7091, 7092, 7093, 7094, 7095, 7096,	02/28/06	AMEND: 1644
		02/27/06	AMEND: 3637, 3638, 3639, 3640, 3642, 3646
		02/22/06	ADOPT: 8397.14, 8397.15, 8397.16 AMEND: 8354, 8397.12



02/14/06 AMEND: 31100  
 02/09/06 ADOPT: 296.0 296.1, 2.96.2, 296.3,  
 296.4 AMEND: 290.1, 291.1, 291.2,  
 291.3, 291.4, 291.5, 292.0, 293.0, 295.0  
 02/09/06 AMEND: 15201, 15300, 15400,  
 15400.2, 15402.4, 15450.1, 15452,  
 15454, 15463  
 01/27/06 AMEND: 100, 102  
 01/27/06 AMEND: 1518  
 01/25/06 AMEND: 1635  
 12/20/05 AMEND: 3395  
 12/14/05 AMEND: 6632(f)  
 12/13/05 AMEND: 20299  
 12/05/05 AMEND: 4650  
 11/22/05 ADOPT: 13694  
 11/22/05 ADOPT: 13680, 13681, 13682, 13683,  
 13684, 13685, 13686, 13687, 13688,  
 13689, 13690, 13691, 13692, 13693

**Title 9**

01/23/06 AMEND: 3400  
 01/19/06 AMEND: 400  
 12/30/05 ADOPT: 3100, 3200.000, 3200.010,  
 3200.020, 3200.030, 3200.040,  
 3200.050, 3200.060, 3200.070,  
 3200.080, 3200.090, 3200.100,  
 3200.110, 3200.120, 3200.130,  
 3200.140, 3200.150, 3200.160, 3310,  
 3400, 3405, 3410, 3415

**Title 10**

03/30/06 AMEND: 2698.52(c), 2698.53(b),  
 2698.56(c)  
 03/24/06 ADOPT: 2498.6  
 03/24/06 REPEAL: 2546, 2546.1, 2546.2, 2546.3,  
 2546.4, 2546.5, 2546.6, 2546.7, 2546.8  
 03/09/06 AMEND: 2697.6  
 02/28/06 ADOPT: 2713, 2715.5, 2797, 2841.5,  
 3012.3 AMEND: 2716.5, 2770, 2791,  
 2792.32, 2795.1, 2846.1, 2846.5, 2846.7,  
 2849.01, 2930 REPEAL: 2708, 2709,  
 2821, 2822  
 02/27/06 AMEND: 2632.5 (c) (1) (A)  
 02/09/06 AMEND: 2699.6600  
 01/31/06 ADOPT: 310.100.4, 310.114.4 AMEND  
 310.101  
 01/25/06 ADOPT: 2025, 2026, 2027, 2028, 2029,  
 2030  
 01/23/06 AMEND: 2698.99  
 01/23/06 ADOPT: 2592, 2592.01, 2592.02,  
 2592.03, 2592.04, 2592.05, 2592.06,  
 2592.07, 2592.08, 2592.09, 2592.10,  
 2592.11, 2592.12, 2592.13, 2592.14  
 01/20/06 AMEND: 2498.6  
 12/28/05 AMEND: 2498.5

12/13/05 AMEND: 2312, 2312.5, 2315  
 11/23/05 AMEND: 260.210, 260.211, 1726,  
 1950.122, 2020  
 11/16/05 AMEND: 2699.6600, 2699.6809  
 11/15/05 AMEND: 2690.1  
 11/03/05 ADOPT: 2698.95.1, 2698.95.11,  
 2698.95.12, 2698.96, 2698.97,  
 9698.97.1, 2698.98, 2698.98.1 AMEND:  
 2698.95

**Title 11**

03/15/06 AMEND: 351, 357, 371, 376, 377, 378,  
 380  
 02/22/06 AMEND: 51.19  
 02/09/06 AMEND: 1001, 1015 REPEAL: 1020,  
 1021  
 01/31/06 ADOPT: 64.2  
 01/19/06 AMEND: 1005  
 01/11/06 ADOPT: 116.2  
 01/09/06 AMEND: 999.1, 999.2, 999.3, 999.4  
 12/22/05 AMEND: 1005, 1007, 1008, D-1, D-10,  
 D-14  
 12/15/05 AMEND: 51.12  
 12/01/05 ADOPT: 116.1  
 11/22/05 ADOPT: 49.17

**Title 13**

04/04/06 AMEND: 423.00  
 03/24/06 AMEND: 156.00  
 03/24/06 AMEND: 590  
 02/22/06 ADOPT: 225.35 AMEND: 225.03,  
 225.09, 225.12, 225.18, 225.21, 225.42,  
 225.45, 225.48, 225.51, 225.54, 225.72  
 02/22/06 AMEND: 345.39, 345.45, 345.56,  
 345.78  
 02/15/06 ADOPT: 1971.1  
 02/14/06 ADOPT: 152.00, 190.03, 268.10, 268.12,  
 280.12, 285.06, 292.06, 340.13  
 AMEND: 330.08, 345.65 REPEAL:  
 330.10, 345.67  
 01/31/06 ADOPT: 2023, 2023.1, 2023.2, 2023.3,  
 2023.4 AMEND: 1956.1, 2020, 1021  
 REPEAL: 1956.2, 1956.3, 1950.4  
 01/30/06 AMEND: 77.05, 77.10, 77.15, 77.16,  
 77.17  
 01/18/06 AMEND: 553.70  
 01/13/06 AMEND: 2467, 2467.1  
 01/12/06 ADOPT: 1875  
 01/12/06 AMEND: 970  
 12/16/05 ADOPT: 253.02 AMEND: 345.16  
 12/07/05 ADOPT: 2425.1 AMEND: 2420, 2421,  
 2423, 2425, 2426, 2427, Incorporated  
 Test Procedures  
 12/05/05 AMEND: 425.01

11/08/05 AMEND: 550, 551.11, 551.12

**Title 14**

04/03/06 ADOPT: 4970, 4970.02, 4970.03, 4970.04, 4970.05, 4970.06, 4970.07, 4970.08, 4970.09, 4970.10, 4970.11, 4970.12, 4970.13, 4970.14, 4970.15, 4970.16, 4970.17, 4970.18, 4970.19, 4970.20, 4970.21 AMEND: 4970.00, 4970.01 REPEAL: 4970.02, 4970.03, 4970.04, 4

04/03/06 ADOPT: 4970.49, 4970.50, 4970.51, 4970.52, 4970.53, 4970.54, 4970.55, 4970.56, 4970.57, 4970.58, 4970.59, 4970.60, 4970.61, 4970.62, 4970.63, 4970.64, 4970.65, 4970.66, 4970.67, 4970.68, 4970.69, 4970.70, 4970.71, 4970.72

03/28/06 AMEND: 187

03/27/06 AMEND: 163.1.

03/22/06 AMEND: 119, Appendix A

03/20/06 AMEND: 27.82

03/20/06 ADOPT: 5.81, 27.92 AMEND: 5.80, 27.60, 27.90, 27.95

03/02/06 ADOPT: 1.60, 1.61, 1.93 AMEND: 1.71

03/01/06 AMEND: 851.23

02/23/06 AMEND: 2000, 2090, 2105, 2110, 2401, 2420, 2425, 2430, 2501, 2530, 2535, 2540, 2850

02/10/06 AMEND: 895, 895.1, 1038, 1038(f)

02/09/06 ADOPT: 18459.1.2, Forms 203, 204 AMEND: 18449, 18450, 18451, 18453.2, 18456, 18456.2.1, 18457, 18459, 18459.1, 18459.2.1, 18459.3, 18460.1, 18460.1.1, 18460.2, 18460.2.1, 18461, 18462, 18463, 18464, 18466, Penalty Tables 1&2

02/08/06 AMEND: 2310

12/22/05 AMEND: 11900

12/19/05 ADOPT: 163.1 AMEND: 163, 164

12/06/05 ADOPT: 4970.02, 4970.03, 4970.04, 4970.05, 4970.06, 4970.07, 4970.08, 4970.09, 4970.10, 4970.11, 4970.12, 4970.13, 4970.14, 4970.15, 4970.16, 4970.17, 4970.18, 4970.19, 4970.20, 4970.21 AMEND: 4970.00, 4970.01 REPEAL: 4970.02, 4970.03, 4970.04, 4970.05

12/02/05 AMEND: 18660.5, 18660.6, 18660.10, 18660.20, 18660.21, 18660.22, 18660.36, 18660.37

11/30/05 ADOPT: 957.11, 957.12 AMEND: 957

11/16/05 AMEND: 913.2 [933.2, 953.2], 913.11 [933.11, 953.11]

11/09/05 ADOPT: 1038(i) AMEND: 1038.2, 1038(e)

11/02/05 AMEND: 632

**Title 15**

03/27/06 AMEND: 3176.3

01/25/06 AMEND: 3482

01/19/06 AMEND: 3370

01/17/06 AMEND: 3000, 3062, 3075, 3210

12/15/05 AMEND: 3335

12/05/05 AMEND: 3173.1

11/21/05 ADOPT: 3999.2

**Title 16**

03/29/06 ADOPT: 1399.159.01 AMEND: 1399.159, 1399.159.1 REPEAL: 1399.159.4

03/21/06 AMEND: 1914, 1918, 1920, 1950, 1983, 1991, 1993, 1998

03/14/06 REPEAL: 1530

03/13/06 REPEAL: 1515

03/13/06 ADOPT: 1034.1 AMEND: 1021, 1028, 1034

03/13/06 ADOPT: 1399.25

03/10/06 AMEND: 1566, 1566.1

03/09/06 AMEND: 3351.3 and 3351.4

03/02/06 ADOPT: 2524.1, 2579.11

02/27/06 AMEND: 1043, 1043.1, 1043.2, 1043.3, 1043.4, 1043.6

02/24/06 AMEND: 3008, 3031, 3062.1

02/21/06 AMEND: 1833.1, 1870, 1870.1

02/07/06 ADOPT: 1379.19

01/12/06 AMEND: 1313.01

01/05/06 AMEND: 1399.710

12/30/05 AMEND: 119.6, 120

12/30/05 AMEND: 1820, 1970.4, 1991, 1996

12/27/05 AMEND: 3005

12/15/05 ADOPT: 1399.454 AMEND: 1399.434, 1399.436, 1399.450, 1399.451

12/13/05 AMEND: 3005

12/12/05 ADOPT: 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 35.1 AMEND: 70, 98

12/02/05 ADOPT: 3067

11/30/05 AMEND: 2542, 2542.1, 2547, 2547.1

11/29/05 AMEND: 1397.61(f)

11/21/05 AMEND: 1397.61(a)

11/18/05 AMEND: 1364.11

11/15/05 AMEND: 69, 75.5, 87.5, 89, 89.1, 95, 95.2, 95.3, 95.4

**Title 17**

12/29/05 ADOPT: 30105

11/10/05 AMEND: 54355, 56002, 56040

**Title 18**

02/09/06 AMEND: 4055, 4056, 4057, 4058, 4059,  
4060, 4061  
01/10/06 AMEND: 1S84  
12/29/05 AMEND: 1620  
12/27/05 ADOPT: 1823.4  
12/09/05 ADOPT: 25106.5-11

**Title 20**

01/12/06 AMEND: 79, 80  
01/03/06 ADOPT: 1362, 1363.1, 1363.2, 1365.1,  
Appendix C AMEND: 1364, 1366,  
1368.1, 1369, 1370, Appendix A,  
Appendix B REPEAL: 1363, 1365, 1368,  
1368.5  
12/30/05 AMEND: 1601, 1602, 1603, 1604,  
1605.1, 1605.2, 1605.3, 1606, 1607,  
1608

**Title 22**

03/24/06 ADOPT: 110056, 110060, 100604,  
110100, 110112, 110116, 110124,  
110144, 110148, 110156, 110160,  
110168, 110204, 110224, 110228,  
110232, 110244, 110248, 110246,  
110280, 110288, 110296, 110307,  
110311, 110315, 110319, 110323,  
110347, 110355, 110383, 110410,  
03/23/06 AMEND: 926-3, 926-4, 926-5  
03/20/06 AMEND: 66264.147, 66264.151,  
66265.147  
03/09/06 ADOPT: 12900  
03/07/06 AMEND: 100058, 100066, 100078,  
100079  
02/02/06 AMEND: 97170, 97172, 97174, 97178,  
97180, 97184, 97188, 97190, 97198  
01/31/06 ADOPT: 66250.1, 66250.2  
01/23/06 AMEND: 51510, 51510.1, 51511,  
51511.5, 51511.6, 51535, 51535.1,  
51544, 54501  
01/20/06 AMEND: 4448  
01/17/06 AMEND: 14000  
01/17/06 AMEND: 12000  
12/30/05 ADOPT: 67384.1, 67384.2, 67384.3,  
67384.4, 67384.5, 67384.6, 67384.7,  
67384.8, 67384.9, 67384.10, 67384.11  
12/27/05 ADOPT: 66262.44 AMEND: 66261.111,  
66262.10  
12/19/05 ADOPT: 66264.151 AMEND:  
66264.115, 66264.120, 66264.143,  
66264.145, 66264.147, 66265.115,  
66265.120, 66265.143, 66265.145,  
66265.147, 67450.13, 67450.30,  
67450.49  
11/10/05 ADOPT: 51000.6.1, 51000.10.1,  
51000.15.1, 51000.20.1, 51000.24.1,

5100.25.1, 51000.25.2, 51000.31,  
51000.32, 51000.51, 51000.52,  
51000.53, 51000.55, 51000.60, 51051  
AMEND: 51000.1, 51000.1.1, 51000.3,  
51000.4, 51000.6, 51000.7, 51000.16,  
51000.30, 51000

**Title 23**

03/28/06 ADOPT: 3944.2  
03/22/06 ADOPT: 2814.20, 2814.21, 2814.22,  
2814.23, 2814.24, 2814.25, 2814.26,  
2814.27, 2814.28, 2814.29, 2814.30,  
2814.31, 2814.32, 2814.33, 2814.34,  
2814.35, 2814.36, 2814.37  
03/13/06 ADOPT: 3939.21  
02/01/06 ADOPT: 3989.3  
01/20/06 ADOPT: 3939.17  
12/27/05 ADOPT: 3939.16  
12/20/05 ADOPT: 3957  
12/15/05 ADOPT: 3939.18  
12/09/05 ADOPT: 3939.19  
12/09/05 ADOPT: 3939.20  
12/02/05 ADOPT: 3989.2  
12/01/05 ADOPT: 3939.15  
11/28/05 ADOPT: 2814.20, 2814.21, 2814.22,  
2814.23, 2814.24, 2814.25, 2814.26,  
2814.27, 2814.28, 2814.29, 2814.30,  
2814.31, 2814.32, 2814.33, 2814.34,  
2814.35, 2814.36, 2814.37

**Title 25**

02/07/06 AMEND: 1001  
12/19/05 ADOPT: 11101, 13302 AMEND: 19200,  
19201, 19202, 19203, 19204, 19205,  
19206, 19207, 19300, 19301, 19400  
12/07/05 AMEND: 1338.1 REPEAL: 1433.1  
11/07/05 AMEND: 5002, 5020, 5021, 5340, 5348

**Title 27**

01/13/06 ADOPT: 15241, 15242  
11/17/05 AMEND: 21685

**Title 28**

12/14/05 AMEND: 1300.75.4

**Title MPP**

04/03/06 AMEND: 11-501, 42-302, 42-701,  
42-711, 42-712, 42-713, 42-715,  
42-716, 42-718, 42-719, 42-720,  
42-721, 42-722, 42-802, 42-1009,  
42-1010, 44-111, 63-407 REPEAL:  
42-710  
02/10/06 AMEND: 63-103.2, 63-300.5,  
63-402.229, 63-503.441, 63-509(b),  
63-509(c), 63-801.737(QR)  
01/23/06 AMEND: 42-101  
01/12/06 AMEND: 11-400, 11-402, 11-403, and  
11-406